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JOURNAL

OF THE

LEGISLATIVE COUNCIL

OF THE COLONY OF

NEW-YORK.

Began the 9th Day of *April*, 1691;

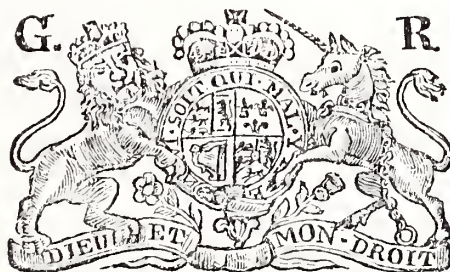
1691 - 1743

AND

Ended the 27 of *September*, 1743.

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1861.

JOURNAL

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1691-1743 and 1743-1775

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Dallas

1861

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OF EXCELLENCE
AND JOY TO THE MOVEMENT



OF EXCELLENCE AND JOY TO THE MOVEMENT
AND JOY TO THE MOVEMENT

EXCELLENCE

OF EXCELLENCE AND JOY TO THE MOVEMENT
AND JOY TO THE MOVEMENT

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HISTORICAL INTRODUCTION.

BY E. B. O'CALLAGHAN

A Representative form of government and an elective Assembly were not permanently established in New York until nearly a century after the discovery of the country by Hudson. Whilst it was a Dutch Colony the Dutch Roman Law was supreme, and all powers, executive, legislative and judicial, were vested in, and exercised by, a Governor and Council.

New York originally a Dutch Colony.

This arbitrary system had excited dissatisfaction as early as 1653, when a convention of Delegates, assembled in New Amsterdam, declared it to be "contrary to the first intentions and genuine principles of every well regulated Government, that one or more men should arrogate to themselves the exclusive power to dispose, at will, of the life and property of any individual, and this by virtue, or under pretence, of a law or order which he might fabricate, without the consent, knowledge or approbation of the whole body, their agents or representatives. Hence the enactment, in manner aforesaid, of new laws affecting the commonalty, their lives and property, which is contrary to the granted privileges of the Netherland government, and odious to every free-born man, and principally so to those whom God has placed under a free state, in newly-settled lands, who are entitled to claim laws, not transcending, but resembling, as near as possible, those of Netherland. We humbly submit that it is one of our privileges, that our consent, or that of our Representatives, is necessarily required in the enactment of such laws and orders."

1653.

10 December.

Early discontent.

Demand for a Representative Assembly.

O'Callaghan Hist. of New Netherland II., 244, 245.

The feeling evinced here did not die away with the occasion, and when the English fleet made its appearance eleven years afterwards, one of the first steps taken by the Royal Commissioners was to issue a Proclamation promising the people protection, "and all other privileges with his Majesty's subjects."

1664.

20 August.

Among these privileges, none were so highly prized as that of Representation. New England, Maryland and Virginia had been long in the possession and exercise thereof. New York was, so to speak, surrounded by Colonies whose inhabitants had a voice in the making of their own laws, and it is not surprising that it, too, looked on an Assembly as among the first fruits of the change of rulers.

All the Colonies except New York in possession of Representative Assemblies.

The language of the proclamation fostered this hope, which was only encouraged by a letter addressed by Governor Nicolls to Captain Young,

284425 MAR 1856

MEMORANDUM FOR THE RECORD

Very Respectfully,
[Signature]

Enclosed for the [Department] are [Number] copies of [Document Title], [Date], [Author/Source]. This document contains information of a confidential nature and should be handled accordingly.

Very truly yours,
[Signature]

[Name]
[Title]
[Department]
[Address]
[City, State, Zip]

[Text]

[Text]

[Text]

1664.
29th August.

Gov. Nicolls promises to summon Deputies.

1 December.

N. Y. Gen. Entries,
I., 29, 66.

Letter of Governor Nicolls to the people of Long Island.

Deputies to be elected.

Two from each Town.

N. Y. Gen. Entries,
I., 63.

of Long Island, two days after the surrender of New York, to be communicated to those who took up arms under his command, for their King and Country, and "so eminently expressed their affections;" whom, upon all occasions and in the first place, he would be always ready to gratify. In this letter he promised that "Deputys shall in convenient time and place, be summoned to propose and give their advice in all matters tending to y^e peace and benefitt of Long Island."

This promise was renewed some months afterwards, in a letter to Major John Howell and Capt. John Young. "They may assure themselves of equall (if not greater) freedoms & immunities then any of his Ma^{ties} colonies in New England."

A circular was accordingly addressed to the Inhabitants of Long Island, in these words:

"WHEREAS the Inhabitants of Long Island, have for a Long time groan'd under many grievous inconveniences, and discouragem^{ts}, occasioned partly from their subjection, partly from their opposicōn to a forraigne Power, in which distracted condicōn, few, or no Lawes could bee putt in due exececōn, Bounds and Titles to Lands disputed, Civill Libertyes interrupted, and from this Generall confusion, private dissentions and animosities, have too much prevailed against Neighbourly Love, and Christian Charity; To the p^rventing of the future growth of the like Evills, his Ma^{ty} (as a Signall grace and honour to his Subjects upon Long Island), hath at his owne charge reduc't the forraigne Power to his obedience, and by Pattent hath invested his Royall Highnesse the Duke of Yorke, with full and absolute Power, in and over all and every the Particular Tracts of Land therein mentioned, which said Powers by Commission from his Royall Highnesse the Duke of Yorke, I am deputed to put in execution, In discharge therefore of my Trust and Duty, to settle good and knowne Lawes within this Government for the future, and receive your best advice and Informacōn in a Generall meeting, I have thought fitt to Publish unto you, That upon the Last day of this p^rsent february at Hempsteed upon Long Island, shall be held a Generall meeting, w^{ch} is to consist of Deputyes chosen by the major part of the freemen onely, which is to bee understood, of all Persons rated according to their Estates, whether English, or Dutch, within your severall Townes and p^reinets, whereof you are to make Publicacōn to the Inhabitants, foure dayes before you proceed to an Election appointing a certaine day to that purpose; You are further to impart to the Inhabitants from mee, That I do heartily recommend to them the choice of the most sober, able, and discreet Persons, without partiality or faction, the fruite & benefitt whereof will returne to themselves in a full and perfect settlement and composure of all controversyes, and the propogacōn of true Religion amongst us, They are also required to bring with them, a draught of each Towne Limitts or such writings as are necessary to evidence the Bounds and Limitts, as well as the right by which they challenge such Bounds and Limitts by Grant or Purchase, or both, as also to give notice of this meeting, to the Sachems of the Indiyans, whose p^rsence may in some cases bee necessary, Lastly I do require you to Assemble your Inhabitants and read this Letter to them, and then and there to nominate a day for the Election of two Deputyes from youre Towne, who are to bring a Certificate of their due Election, (with full powers to conclude any cause or matter relating to their severall Townes) to meet at Hempsteed upon the Last day of february, where (God willing) I shall expect them.

Your assured friend,

RICHARD NICOLLS.

In accordance with this call, the undernamed Deputies met the Governor at Hempstead on the first of March, 1665:

From East Hampton,	{ THOMAS BACKER JOHN STRATTON	Names of the Deputies.
South Hampton,	{ THOMAS TOPPING JOHN HOWELL	
Seataleott,	{ DANIEL LANE ROGER BARTON	
Huntington,	{ JONAS WOOD JOHN CETCHAM	
Oyster Bay,	{ JOHN UNDERHILL MATTHIAS HARVEY	
Hempstead,	{ JOHN HICKS ROBERT JACKSON	
Jamaica,	{ DANIEL DENTON THOMAS BENEDICT	
Gravesend,	{ JAMES HUBBARD JOHN BOWNE	
West-Chester,	{ EDWARD JESSOP JOHN QUINBY	
New Towne,	{ RICHARD BETTS JOHN COE	
Flushing,	{ ELIAS DOUGHTY RICHARD CORNHILL	
Southhold,	{ WILLIAM WELLS ✓ JOHN YOUNGE	
Brookland,	{ FREDRICK LUBBERTZEN JOHN EVERTSEN	
Bushwick,	{ JOHN STEALMAN GIBBERT TUNIS	
Flat Bush,	{ JOHN STRIKER HENDRICK YORASSEN	
Flat Lands,	{ ELBERT ELBERTSEN ROLOFFE MARTENS	
New Utricht,	{ JACQUES COUTILLEAU YOUNGER FFOSE	

These delegates continued in session some two or three days. We possess the record of only one day's proceedings, which consists of two orders in suits wherein the Town of Flushing was plaintiff and the Towns of Jamaica and Hempstead were severally defendants. An Address was voted to his Royal Highness the Duke of York filled with expressions of gratitude and loyalty, in which the Deputies publicly and unanimously declared their cheerful submission to all such laws, statutes and ordinances which are or shall be made by virtue of authority from his Royal Highness, his heirs and successors forever.

They vote an Address to the Duke of York.

N. Y. Colonial Doc., III., 91.

The Code prepared for, and promulgated at, this Meeting, is known as "The Duke's Laws;" a number of additions and amendments were made to it in October, 1665, by the court of assize, after which it was transmitted to England for confirmation. A copy, with the Duke of York's name affixed, is in the office of the Secretary of State at Albany. It is certified to agree with the original, "By command of his Royall Highnesse" M WREN¹. These laws, amended from time to time, were in force as late as 1687, and so continued we presume until 1691.

The Duke's Laws.

N. Y. Col. Doc., III., 194, 200.

¹ MATHEW WREN was appointed secretary of the Duke York in September 1667, and filled that office until his death in 1672. The date of the copy of the Duke's Laws in Albany, may therefore be easily approximated. It is evidently one of the earliest editions.

1665.

The Hempstead
meeting not a
Legislature.

The meeting at Hempstead, however otherwise important, could not be dignified with the title of a Legislative Assembly of the Province of New York. Deputies were chosen only from Long Island and Westchester; none were elected to represent New York, Esopus or Albany. In fact, the people were allowed no share in legislation and there was no intimation that another meeting would be convened. A limited legislative power was thenceforth exercised by the Governor and Council, who with the Mayor of New York, the High Sheriff and Justices of the Peace, constituted *The Court of Assizes*.

The Court of
Assizes a limited
Legislature.

This body met annually in October and "all but the members of the court being dismissed," made by "majority of votes," at the close of the session such amendments and additions as they thought proper to the Duke's Laws; but in regard to the Revenue arising from Imports and Exports, or "customs" as it was called, the Court could not make any alteration; its powers were only recommendatory. The instructions and directions of his Royal Highness were the supreme law and, whenever from time to time received, "the General Court of Assizes was thought the most proper place for y^e publishing of businesse of such publique concernes." Like the Hempstead meeting, it was virtually a *lit de justice*, to register the edicts of the Duke of York and his council in England, or of his Governor and Council here. This Court continued in existence until the 1st November, 1684, when it ceased and determined pursuant to an Act of the Assembly.

Court of Assize, pp.
320, 325, 414.

It is not surprising that the people were dissatisfied and disappointed with such a system; or that, dissatisfied, they in time expressed their discontents.

Publio discontent.

John Underhill, an old Cromwellian, who had already in 1653 hoisted the Parliament's colors on Long Island, and protested against imposing "of magistrates on freemen without election and voting," was among the first to "represent the distempers of the people against the present forme of Government by which they are inslaved under an Arbitrary Power," and hinted that there were some who would "hazard both life and estate in a mutiny and rebellion rather than beare the burden of the public charge." John Young, too, who had contributed so efficiently to the success of the English arms, was known to be disaffected; but Governor Nicolls succeeded by a prudent distribution of the favors of government, to quiet some and gain over others, leaving to his successor to continue the system as best he could.

N. Y. Gen. Entries,
I., 68, 69.

Renewed demand
for an Assembly.

His departure seems to have been the signal for the revival of the agitation. Petitions from the Towns of Hempstead, Oysterbay, Flushing, Jamaica, Westchester, Eastchester, Newtown and Gravesend were presented to the Court of Assizes, praying for a redress of several grievances, the first and principal of which is thus set forth:

1669.
5 November

"That what was promised upon our submission by Governor Nicolls & y^e rest of his Ma^{ties} commissioners should be made good to us (viz^t) That we should be protected by his Ma^{ties} Lawes & enjoy all such priviledges as other his Ma^{ties} subjects in America do injoye, w^{ch} priviledges consist in advising about & approving of all such Lawes wth y^e Governor & his Councell as may be for y^e Good & benefitt of y^e comen wealth, not repugnant to y^e Laws of England, by such deputies as shall be yearely chosen by y^e frehold^{rs} of every Towne or

Memorandum

10

The Board of Directors of the American Telephone and Telegraph Company, Inc. (AT&T) has received a letter from the Federal Communications Commission (FCC) dated June 1, 1954, regarding the proposed acquisition of the Western Union Telegraph Company by AT&T. The letter states that the FCC is of the opinion that the proposed acquisition is in the public interest and that it is hereby approved. The letter also states that the FCC is of the opinion that the proposed acquisition is in the public interest and that it is hereby approved.

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parish, & likewise to be informed what is required of us his Ma^{ties} subjects by vertue of y^e comission granted from his R H^{ss} y^e Duke of Yorke." 1669.

The prayer of this Petition was rejected with cool effrontery, and the implied, if not formal, promise given by Governor Nicolls and His Majesty's Commissioners, boldly ignored.

"In answer to y^e 1st head wherein they desire to have Deputyes to be Joyned wth y^e Governour & Councill in making of y^e Lawes of y^e Government as is Customarye in y^e Neighbour Colonyes, & as Co^l Nicolls did promise them ;

It doth not appeare that Co^l Nicolls made any such promise & y^e Governo^{rs} Petition rejected. instructions directing him to make no alterations in y^e Lawes of y^e Governm^t settled before his arrivall, they cannot expect his Hono^r can comply wth them therein, & for their desire to know what is required of them, There is nothing required of them but obedience and submission to y^e Lawes of y^e Governm^t as appears by his R H^{ss} Cōmission w^{ch} hath often beene read unto them."

Court of Assize, pp. 228, 231.

This did not satisfy the people who embraced an early opportunity to manifest their temper. The palisadoes surrounding the fort at New York being fallen to decay, an order was issued to the several Justices at their next court of sessions to conclude on ways and means to repair them. Contributions required by Government.

But the English settlers on Long Island brought with them the doctrine that Taxation and Representation were inseparable—and that Taxes could be lawfully imposed on the people only by their freely chosen Representatives. Accordingly the Towns of Southold, Southampton and Easthampton agreed to contribute to the repairs of the fort, "if they might have the privileges that other his Majesty's subjects in these parts [meaning those of New England] have and do enjoy."

The people refuse to contribute

Huntington refused compliance "because they were deprived of the libertys of Englishmen." The people of Jamaica considered themselves already and sufficiently burdened by the enhanced price which they paid for their goods, in consequence of the duties the governor imposed on them, in addition to a penny in the pound which they paid towards the public charges, and declared that a compliance with the order would be contrary to the King's Instructions, which forbid any law to be enforced on the country that was contrary to the laws of the Nation ; meaning that no law for taking their money out of their pockets without the consent of their Representatives, was consistent with the British constitution ; that on the same principle, they might be required to maintain the garrison, and what else they knew not, till there be no end ; but (they concluded) "if it may appear to us that it is the King's absolute order to impose the said burden and disprivilege us, contrary to his former good intentions and instructions, and contrary to the liberties his Majesty's subjects enjoy in his territories and dominions, we shall with patience, rest under the said burdens until address be made to the King for relief."

because deprived of the rights of Englishmen.

Flushing and Hempstead doubtless concurred in these sentiments, for the constables of these towns laid the declarations before the court of sessions at Jamaica, and in the week following, before the sessions held at Gravesend, when the court concluded and adjudged, as their sentiments and opinions, "that the said Papers are in themselves false, 1670.

21 December.

THE GOVERNMENT OF THE UNITED STATES OF AMERICA
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON, D. C. 20250

TO: [illegible]
FROM: [illegible]
SUBJECT: [illegible]

[The following text is extremely faint and largely illegible. It appears to be a memorandum or letter detailing land management actions, possibly related to a specific area or project. Key words that are partially visible include "Bureau of Land Management", "Department of the Interior", and "Washington, D. C.".]

1670.
Remonstrances of
the people are
denounced,

scandalous, illegal and seditious, tending only to disaffect all y^e peaceable and well meaining subjects of his majesty in theise his R. H his Territories & dominions," and referred them to the Governor and his Council "to proceed there upon as they conceive shall best tend to y^e suppression of such mischief as may arise by y^e impression of false suggestions & jealousyes in y^e myndes of peaceable and well meaning subjects from their just dutyes and obedience to y^e Laws within theise his R. H^{ss} his Territoryes & Dominions."

29 December.

and ordered to be
publicly burned
in New York.

The Governor and Council, having taken this reference into their consideration, adjudged the said papers "to be both scandalous illegal and seditious, and that they be openly and publicquely burned before y^e Towne howse of this citty at y^e next mayors court, and that y^e principal contriver thereof be inquired into and proceeded against according to their demeritts and y^e Lawes of y^e Land Establisht."

Court of Assize,
650, 651.

1673.
The Dutch reduce
New York

1674.
November.
New York restored.
Ed. Andros, gov.

War between England and Holland having broken out, the country returned into the hands of the Dutch and was governed absolutely by them. It was not restored to the English until 1674. Major EDMUND ANDROS the new governor was instructed to put in execution the laws already established by Cols. Nicolls and Lovelace, and not to vary from them except by advice of the Council and the gravest and most experienced persons there; if any alteration were made, it was to be only temporary, and, if not confirmed by the Duke of York within a year, was to be utterly void at the end of that time.

Revenue law made
in England,

Expires.

N. Y. Col. Doc.
III., 217, 246.

These instructions carried within them what ultimately proved to be the destruction of the whole system of absolute government now reëstablished. Though an Instruction, it was to all purposes a Law enacted by the mere motion of his Royal Highness. It was entitled, "Rates established for the customs at New York;" and was to continue in force three years. At the end of that time these duties were continued for three years longer by the same authority, but expired by their own limitation in the month of November, 1680.

1681.

May 14th.

The merchants of
New York refuse
to pay duties,

and unload their
goods without
entry.

Orders, Warrants,
&c., XXII¹/₂, 44, 45.

Refusal to pay any more duties was the consequence. "I have one thing of great moment to acquaint you with," writes Anthony Brockholls, then in charge of the government, to Sir John Werden, "which is the Losse or att least wise a p^rsent cessation from payment of his Royall Highnesse Customs Established here, the time to w^{ch} they were limited to be Received being expired in Novemb^r last, it being mencōned in the Regulacōn of the Customs that is to hold good for three yeares from November 1677, which being publicquely knowne to the merchants they all refuse to pay any Customes or Dutyes and Capt Dyre, the Collector, being now very ill, a Pinke from London hath Vnloaded her Goods and carried them to their warehouses without takeing any notice of the Custome house or officers, absolutely Refuseing to pay any Customs."

A general confusion in the government followed. "The Councell met and advised thereupon but find noe power or authority to continue the same longer, without orders from Home."

The Collector of the
port is sued;

The legality of the customs having been thus denied, suits were instituted against the collector of the port for detaining goods on which duties had not been paid. Judgment having been rendered against him,

a Bill of indictment was found charging him with having "as a false Traytour," "trayterously maliciously and advisedly used and exercised Regall power and authority over the Kings subjects," by virtue of which he "hath many times since the first of November last, establishd and imposed unlawfull customs. and impositions on the goods and merchandize of his Maj^{ties} Liege People tradeing in this place, by force compelling them to pay the same and hath employed and made use of souldiers to maintaine and defend him in these his unjust and unlawfull practices contrary to the great Charter of Libertyes, contrary to the Peticôn of Right, and contrary to other Statutes in these cases made and provided and contrary to the honour and peace of our most Sovereigne Lord the King that now is, his Crowne & Dignity."

1681.
judgment rendered
against him;
is indicted as a
traitor;

Mr. Dyre was forthwith arraigned before the Court of Assizes on a charge of High Treason, but questioning the power and authority of the court, he was shipped to England, with copies of the proceedings against him, to be disposed of as the authorites there may deem fit. This spirited measure had the effect of laying in ruins that system of despotism which had so long affected the people of New York; for the government as established, continues Captain Brockholls, "is much disliked by the People who generally cry out for an ASSEMBLY, and to that end a Petition was ordered to be drawn up and sent to his Royal Highnesse from and in the name of the Court of Assizes, which I judge is accordingly done."

arrested on a charge
of High Treason,
1 July.
and shipped to
England.

Renewed clamor for
an Assembly.

The Council of the Duke of York now for the first time entertained a doubt as to his power lawfully to impose customs; Sir John Werden "hinted" to Captain Brockholls that "his Royal Highness will condescend to y^e desires of that colony in granting y^m equall priviledges in choosing an assembly &^c as y^e other English plantations have;" and the Duke of York himself announced in an autograph letter his intention "to establish such a forme of government at New Yorke as shall have all y^e advantages & priviledges of y^e inhabitants & traders there, w^{ch} His Mat^s other plantacôns in America doe enjoy, particularly in the choosinge of an ASSEMBLY and in all other things as neere as may be agreeable to the laws of England."

1682,

28 March,

An Assembly
conceded.

Colonel THOMAS DONGAN was charged with the duty of carrying into effect his Royal Highness' intentions, for which purpose he received the following Instructions:

N. Y. Col. Doc.,
III, 317.

1683,

27 January,

You are also wth advice of my Councill wth all convenient speed after y^{or} arrivall there, in my name to issue out Writts or warr^{ts} of Sumôns to y^e severall Sheriffes or other proper Offic^{rs} in every part of y^r said governem^t wherein you shall expresse that I have thought fitt that there shall be a Gen^l Assembly of all the Freeholders, by the p^{rs}ons who they shall choose to rep^sent y^m in ord^r to consulting wth yo^rselfe and the said Councill what laws are fitt and necessary to be made and established for the good weale and governem^t of the said Colony and its Dependencyes, and of all the inhabitants thereof, & you shall issue out the said Writt or Sumôns at least thirty dayes before the time appointed for y^e meeting of the said Assembly, w^{ch} time and alsoe the place of their meeting (w^{ch} I intend shalbe in New Yorke) shall alsoe be mencoued & expressed in the said Writt or Sumôns, and you wth advice of my said Councill are to take care to issue out soe many writts or sumôns and to such officers, in every part, not

Instructions to the
Governor to call an
Assembly in New
York.

1683.

exceeding eighteene, soe y^t the planters or inhabitants of every part of y^e s^d governem^t may have convenient notice thereof and attend at such ellection, if they shall thinke fitt. And w^a the said Assembly soe elected shalbe mett at y^e time and place directed, you shall lett y^m know that for the future it is my resolucōn that y^e said Gen^l Assembly shall have free liberty to consult and debate among themselves all matt^{rs} as shall be apprehended proper to be established for laws for the good governem^t of the said Colony of New Yorke and its Dependencyes, and y^t if such laws shalbe propounded as shall appeare to mee to be for the manifest good of the Country in generall and not p^rjudiciall to me, I will assent unto and confirme y^m.

Title of the
Assembly.

In the passing and enacting of all such laws as shalbe agreed unto by the said Assembly, w^{ch} I will have called by the name of the Generall Assembly of my Colony of New Yorke and its Dependencyes, wherein the same shalbe (as I doe hereby ordaine they shalbe) p^rsented to you for yo^r assent thereunto. You are to consider whether y^e same be for the gen^l good and not prejudiciall to me; and if you find them soe to be, then you are to give yo^r assent thereunto.

The Governor to
have a negative on
all Bills.

But if you shall judge them inconvenient or p^rjudiciall, you are to refuse yo^r assent thereunto, and in all cases you are to have a negative voice to refuse all Laws y^t are presented to you; and w^a you shall have given yo^r consent to such laws as shalbe soe agreed, you shall by the first opportunity transmitt the same to me und^r y^e hands of yo^r selfe and Councill, and und^r the seale of the Colony (w^{ch} you are to use in passing of grants) to y^e end that I may ratifye and confirme y^e same if I shall approve, or reject y^m if I doe not thinke them reasonable. But the said laws soe assented unto by you, shalbe good and binding untill such time as I shall cause my dislike of & refusall to passe y^m to be signified unto you, and from thenceforth y^e same shall cease and be null and voyd to all intents. And I doe alsoe give you power from time to time to cause y^e said Gen^l Assembly to be sumōned w^{ch} I also authorize you to adjourne or dissolve as you shall see reason and cause. And I doe further direct you not to passe any law upon any occasion whatsoever for rayseing any publique revenue, unlesse expresse mencōn be made therein y^t the same is levyed and granted unto me, or unto me for y^e support of y^e Governem^t or to such uses as the said law shall appoint. And you are as much as in you lyeth to take effectuall care y^t there may be a constant Establishment for raiseing of money sufficient to support and maintaine y^e charge of the governem^t of those parts both Civill & Military; and alsoe that there may be money raised for paying and discharging the arreares now due to y^e Officers & soldiers and other expenses of the governm^t. And are not to suffer any publique money w^{so}ever to be issued or disposed of otherwise then by a warr^t under your hand.

The Duke of York
to have a Veto on all
Laws.

And it is my expresse will and pleasure y^t all laws w^{so}ever for the good governem^t and support of my said Colony of New Yorke with its Dependencyes be made indefinite and without limitacōn of time, except the same be for a temporary end, & w^{ch} shall expire and have its full effect wthin a certaine time. And you are not to passe any laws or doe any act by Graunt, Settlement or otherwise whereby my revenue may be remitted, lessened or impaired, wthout my especiall leave or commands therein.

N. Y. Col. Doc.,
III., 331, 332.

With these Instructions Colonel Dongan brought a letter of introduction, of which the following is a copy, from the Duke of York

To the Generall Assembly at New Yorke.

2 March.

Gentlemen,

Letter of his Royal
Highness to the
Assembly of New
Yorke.

I have thought fitt to send Coll Dongan to be my Lieutenant Govern^r of New Yorke and its Dependencyes, and haue directed him to call you together as a

CHAPTER 10

The first part of the chapter is devoted to a discussion of the various methods of determining the rate of reaction. The second part is devoted to a discussion of the various factors which influence the rate of reaction. The third part is devoted to a discussion of the various factors which influence the equilibrium constant.

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Generall Assembly, that you may consult and propose all such matters as shall be for the Publique Good; and I desire you to giue entire credence to what he shall say to you in my behalfe, who Am
London 2^d March 1683

1683.

Your louing freind

JAMES.

N. Y. Col. MSS.,
XXXI., 13.

Governor Dongan arrived in New York in the latter part of August 1683, and at a meeting of the Council held at Fort James on the 13th September following, it was

Ordered, that warrants be sent to the Sheriff of Long Island to warne the freeholders to name two deputies for each Riding to appeare as their Representatives at the Generall Assembly to be held at the City of New York on the 17th day of October 1683.

13 September.
Writs issued for
the Election of
Representatives,

Ordered, that the freeholders of every Town on Long Island chuse a Committee of foure to meet at the Sessions howse of every Riding, there to chvse two to be their Representatives; and appear for them at the Generall Assembly

For Long Island;

Ordered, that Statten Island nominate one Representative

Staten Island;

Ordered, that the Sheriff of Long Island summon the freeholders of fishers Island to name one to vote along with the East Riding of Long Island, & Silvesters & Gardiners Island to vote with the East end of Long Island.

Ordered, that the Sheriff of Esopus warn the freeholders to chvse foure of themselves in each Town, as a Committee for themselves, & those foure out of each Town to meet at the Sessions howse, then to chose two to be Representatives for Esopus at a Generall Assembly to be held at New York the 17th day of October next ensuing

Esopus;

Ordered, that the Sheriff of Albany & Rancelaers Colony cause the freeholders to meet & chvse two persons to be their Representatives in the Generall Assembly to be holden at the City of New York on the 17th day of October 1683.

Albany and Rensselaerswyck;

Ordered, that the saide Sheriff appoint the freeholders of Schanectade & dependences thereto belonging to chvse one to be their Representative in the Generall Assembly to be held at New York Octobr y^e 17th 1683

Schenectady;

Ordered, that John Allen be made Sheriff of Pemaquid & Dependences, or Islands & whatever is thereto belonging, & then to appoint the freeholders of Pemaquid & Dependences to meet & chvse one Representative

Pemaquid;

Ordered, that Matthew Mayhew be Sheriff of Martins Vineyard, Nantuckett Elizabeth Island & all other Islands from the Eastward of Long Island to Nantuckett Shoales, belonging to his R^{ty} High^{ness} James Duke of York &c., & that he appoint the freeholders of the said places to meet & chuse one out of each Island to meet in the most convenient place to chvse one Representative for themselves in the Generall Assembly to be holden at the City of New York Octobr y^e 17th 1683.

Martin's Vineyard
and adjoining
Islands,

Ordered, that a Writt be sent to the Sheriff of New York to summon the freeholders of the City of New York, the Bowries or farmes, & Haerlem to chvse four Representatives for the City of New York &c

15 September.
and New York.

Representatives thus elected met, for the first time, in General Assembly, on the *Seventeenth* of *October* in the year 1683, at Fort James in the City of New York.

17 October.
1st Meeting of the
Legislature of New
York.

The Journals of both houses being lost, we are unfortunately unable to supply the names of the members of the Assembly. The Legislative Council was composed of

THE GOVERNOR,
ANTHONY BROCKHOLLS,
FREDERICK FLYPSEN,

STEPHEN VAN COURTLAND,
LUCAS SANTEN,
JOHN YOUNGS,

Names of the Mem-
bers of the Council.

1683.

MATHIAS NICOLLS was elected Speaker, and John Spragge (though a member of the Council) was appointed Clerk, of the Assembly.

Acts passed.

Fifteen acts were passed, at this Session, of which the following are the titles, with the dates on which they were signed by the Governor.

TITLES of ACTS passed at the *First Session* of the *First Assembly* of the Colony of *New York*:

October 30, 1683.

Vetoed by James
II., 3d March, 1685.

THE CHARTER of Libertyes and priviledges granted by his Royall Hignesse to the inhabitants of New Yorke and its dependencies; and

A CONTINUED BILL for the requisite charges of the Government.

October 31, 1683.

AN ACT for the allowance to Representatives.

November 1, 1683.

AN ACT to divide this province and Dependencies into Shires and Countyes.

AN ACT for naturalizeing all those of forreigne Nations at p'sent inhabiteing within this province and professing Christianity and for Encouragem^t of others to come and settle within the same.

AN ACT for repealing the former Lawes about Rates and Allowance to the Justices of the peace.

AN ACT to settle Courts of Justice.

AN ACT to prevent willfull perjury.

AN ACT for the defraying of the publick and necessary charge of each respective City, Towne and County throughout this province and for maintaining the Poor and preventing vagabonds.

AN ACT for rewarding of those who destroy Wolves.

AN ACT to prevent damages done by Swine.

November 2, 1683.

AN ACT for the due Regulacōn and proceedings on Execueōn, returnes of writts and Confirmeing the fees usually taken by officers &c

AN ACT of Settlement.

AN ACT for a free and voluntary present to the Governour.

November 3, 1683.

AN ACT to prevent frauds in conveyanceing of Lands.

Triennial Assem-
blies enacted.

After a session of nearly three weeks, the Legislature adjourned, having enacted, among other things —

THAT according to the vsage, Custome and Practice of the Realme of *England*, a Sessions of a *General Assembly* be held in this Province *once in three Years* att least.

1684.

October.
2d meeting of the
Legislature.

The Second meeting of the Legislature commenced in October, 1684. Mr. NICOLLS was continued Speaker; Mr. Robert Hammond was appointed Clerk, of the Assembly. The Governor assented to thirty-one Acts, of which the following are the Titles, with the date of the Governor's assent.

Acts passed.

TITLES of ACTS passed at the *Second Session* of the *First Assembly* of the Colony of *New York*:

October 21, 1684.

A BILL for Explaining Severall clauses in the Act for Establishing Courts of Justice within this province.

October 22, 1684.

1684.

First Assembly.
Second Session.

- A BILL to regulate proceedings in Law.
- A BILL declareing of what age Lands may be passed and Guardians chosen.
- A BILL against common Barratry, Champerty and Maintenance.
- A BILL concerning Chirurgeons and Midwives.
- A BILL concerning the choice of Constables.

October 23, 1684.

- A BILL to prevent Deceit and forgery.
- A BILL against fugitive servants and the Entertainers of them.
- A BILL concerning purchaseing of Lands from the Indians.
- A BILL concerning Marriages.
- A BILL concerning Cattle Corne fields and fences.
- A BILL concerning burials.
- A BILL concerning Assignments of Specialtyes.
- A BILL concerning Brewers.

October 24, 1684.

- A BILL concerning Orphans.
- AN Act for quieting mens Estates and the limitacōn of certaine accōns for avoiding of Suits in Law.
- A BILL to prevent the absence of Justices of the peace from their courts.
- A BILL concerning Masters, Servants, Slaves, Labourers and Apprentices.
- A BILL concerning Arrests.
- A BILL for the settlement of the Militia.

October 27, 1684.

- AN Act to p'vent arrests of Judgm^t and Superseeding Execucōns.
- A BILL for Exeuteing the Judgments of the former Courts of Assizes and Sessions.
- A BILL for Cording of firewood.
- A BILL for the more speedy and better collecting the Governours fee and Voluntary present.
- AN Act for the Encouragement of trade and navigation within this province.

October 28, 1684.

- A BILL to prevent damages done by casting Ballast into Rivers.
- A BILL for an Annuall Sallary to the Judges of this province.

October 29, 1684.

- A BILL for altering the time of the Court of Sessions in y^e County of West Chester
- A BILL concerning former Mortgages.
- AN Explanation of the continued Bill for defraying the Requisite Charge of the Governm^t.
- AN Act for the confirmeing all Judgements and proceedings in the former Courts, takeing away the Generall Court of Assize.

Vacancies having occurred in the Assembly before the meeting of the Legislature again, writs were issued for the election of Representatives; one for the city of New York, one for Staten Island, one for Kings County and one for West Chester. But news of the King's death was in the meantime received and the question was raised, Whether the Assembly was not dissolved in consequence of the demise of the Crown. To prevent the inconveniences that might hereafter follow that dispute, it was the opinion of the Council that it was expedient to *dissolve* the present Assembly by Proclamation, and that immediately writts be issued out for a New Assembly to meet on the first Monday in October.

1685
13 May.

Assembly dissolved.

The following Proclamation was issued accordingly :

BIOGRAPHICAL SKETCH

PERSONAL HISTORY

Full Name: _____
Date of Birth: _____
Place of Birth: _____
Parents: _____

EDUCATION

Elementary School: _____
High School: _____
College: _____

EMPLOYMENT

Employer: _____
Position: _____
Date: _____
Employer: _____
Position: _____
Date: _____

MILITARY SERVICE

Service: _____
Rank: _____
Date: _____
Service: _____
Rank: _____
Date: _____

HONORS AND AWARDS

Honor: _____
Award: _____

REFERENCES

Reference: _____
Reference: _____

REMARKS

Remark: _____
Remark: _____

SIGNATURE

Signature: _____
Signature: _____

DATE

Date: _____
Date: _____

PAGE

Page: _____
Page: _____

1685.

By the GOVERNOR

13 August.

Proclamation
dissolving the
Assembly.

WHEREAS for the Generall good of this Province I called the Generall Assembly thereof to meet on the 17th day of *October* in the 35th yeare of King Charles the Second of ever Blessed memory, and from thence by severall adjournments thereof continued untill the 29th day of *September* now next ensuing, for severall Important reasons, me thereunto moveing, I have thought fitt by & with the advice and consent of the Council to *Dessolve* the said Generall Assembly Whereof I have thought good to giue notice to all the members thereof and to all others whom it may concerne, that they need not give their attendance at the time appointed according to the adjournment aforesaid.

Given under my hand at Fort James this 13th day of *Augt.* 1685,
and in the first yeare of his Majestys Reigne

THO DONGAN.

N. Y. Col. MSS.,
XXXIII, 152.

To the Sherrieff of the County of
Cornwall or other magistrates
& Officers to be forthwith Published
the same to be sent to y^e severall
Sheriffs of this Govern^t

The following is the form of the Writ of Election addressed to the respective Sheriffs:

17 August.

JAMES the *Second* by the Grace of God King of *England, Scotland, France & Ireland* Defender of the faith &c Supreme Lord and Proprietor of the Colony and Province of *New Yorke* and its dependencies in *America*

Writ for a new
election.

To *Mathew Mayhew Esq^r* Sheriff of *Dukes County* Greeting.

Wee Require Cōmand and strictly Enjoyne you that forthwith you cause all the Freeholders of your County to meett together in some convenient Place then to chuse one person to be theire Representatiue for Dukes County in a Generall Assembly to be holden at the Citty of *New Yorke* on the *twentieth* day of *October* next ensuing the date hereof in order to consult with our Gouvernor and Council of *New Yorke* and its dependencies what Lawes are fitt and necessary to be made and established for the good weale and Gouvernment of the said Colony; and you are in 5 weekes after the Election to haue the name of the Person so Elected Returned into the Secretaries Office

In testimony whereof I haue caused the seale of the Province to
be hereunto afixed this 17th day of *Augst* 1685

Test

THO DONGAN.

Passed the office

John Spragge, Secry

Writs were addressed at the same time to the sheriffs of New York, Kings County, Queens County and Suffolk; and on the second of September to the Counties of Albany and Ulster.

The Council now consisted of

Names of the
members of the
Council.

The GOVERNOR,
ANTHONY BROCKHOLLS,
FREDERICK FLYPSEN,
STEPHEN VAN CORTLAND,
JOHN SPRAGG,
JOHN YOUNGS,
Judge PALMER,
GERVASE BAXTER.

MEMORANDUM FOR THE RECORD

SUBJECT: [Illegible]

[Illegible text block]

[Illegible text block]

[Illegible text block]

[Illegible text block]

[Illegible text block]

[Illegible text block]

The Assembly elected WILLIAM PINHORNE of New York Speaker, and Robert Hammond continued Clerk. Only six acts, of which the following are the Titles, were assented to at this, the only, Session of the New York Assembly during the Reign of James the Second.

1685.
Second Assembly.
First Session.

TITLES of ACTS passed at the *First Session* of the *Second Assembly* of the Colony of *New York* :

November 3, 1685.

A BILL against Sabbath Breaking	Acts passed.
A BILL against Swearing and Cursing	
A BILL against Drunkenness	
A BILL for regulating the proceedings of monthly courts throughout the province	
A BILL for the removal of the Courts of Sessions from Gravesend to Flatbush	
A BILL concerning Swine	

TITLES OF BILLS which passed the Assembly, but did not receive the assent of the Governor.

A BILL for regulating the Court of Commissaries at Albany.	27 October.
AN ACT for the better asserting collecting and levying his Majesties Quit Rents within this province.	2 November.
A BILL for the Encouragement of the Shopkeepers and Retailers of Merchandizes within this province.	9 November.

TITLE OF A BILL which passed the Council, was signed by the GOVERNOR, but failed in the Assembly.

A BILL for making one positive evidence sufficient in the case of his Majesties Revenue.¹ 29 October.

At the close of this Session, the Legislature adjourned to the 25th September, 1686, but before the day of meeting arrived, it was further prorogued by the following Proclamation :

By the GOVERNOR in Council.

WHEREAS the Generall Assembly of this Province hath been adjourned untill five and twentyeth day *Sember* next, for weighty and Important Reasons mee thereunto moueing haue thought fitt by and with the advice and councent of the Councill to Prorogue the s^d Generall Assembly untill the five and twentyeth day of *March* next ensuing the date hereof Whereof I thought good to gine notice to all the members thereof and to all others whom it may concerne that they need not giue theire attendance at the time appointed according to the adjournment aforesaid

Assembly pro-
rogued.

Giuen under my hand at fort James in *New Yorke* the 4th day of *September* 1686 and in the second yeare of his Majestyes Reigne

THO. DONGAN

Passed the Office *J Spragge* Secr
To the Sherriff of the County of
or other magistrates
and officers to be forthwith
Published

Ditto sent to Albany
Ditto sent to Esopvs
Ditto sent to Kings County
Ditto sent to Queens County
Ditto sent to Richmond

¹ These Acts and Bills are on file in the office of the Secretary of State, Albany.

and which is not to be taken as a statement of the
author's personal views. The author is not responsible
for the opinions or conclusions of the various writers
who have contributed to the literature of this subject.

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Duke of York
opposed to an elec-
tive Assembly.

The Duke of York never willingly consented to the concession of a Representative Assembly. A witness of some of the sufferings of his father and a sharer in the exile of his brother, which he might have laid in some degree at the door of the House of Commons, he shrunk from allowing the introduction of a like institution into his Province.

1675.
6 April.

Writing to Governor Andros "touching Generall Assemblys which y^e People there seeme desirous of in imitacōn of their neighbour colonies, (he says) I think you have done well to discourage any mocōn of y^t kind, both as being not at all comprehended in yo^r instructions nor indeed consistent wth y^e forme of governm^t already established, nor necessary for y^e ease or redresse of any grievance y^t may happen, since y^t may be easily obtained by any peticōn or other addresse to you at their Generall Assizes (w^{ch} is once a yeare) where the same persons (as Justices) are usually present, who in all probability would be their Representatives if another constitucōn were allowed."

1676.
28 January.

"Such assemblyes I cannot but suspect would be of dangerous consequence, nothing being more knowne then the aptness of such bodyes to assume to themselves many priviledges w^{ch} prove destructive to, or very often disturbe, the peace of y^e governm^t, wherein they are allowed. Neither do I see any use of them &c"

N. Y. Col. Doc.,
111, 230, 235.

But when the Supplies were stopped; when no revenue was paid in New York, and the prospect was that the Province would be a charge on his private purse, it became necessary to "feign a virtue though he had it not." "The Duchesse, (writes a cotemporary,) do now come like Queene Elizabeth and sits with the Duke of York's Council, and sees what they do; and she crosses out this man's wages and prices, as she sees fit, for saving money; but yet, she reserves £5,000 a year for her own spending; and my Lady Peterborough, by and by, tells me that the Duchesse do lay up, mightily, jewells."

Pepy's Diary.

Why an Assembly
was conceded,

Now £5000 a year, her Grace's pin money, happened to be about the amount received from the New York Customs. With such a drain already existing, the danger of a further encroachment on his English resources may well explain his willingness at length to concede an Assembly to the Province, especially when coupled with the condition that "New York and its dependencieyes shall provide some certaine fonds for y^e necessary support of y^e government and garrison and for discharging y^e arreares which are or shall be incurred since y^e obstruccōns which have lately beene to the collection of y^e publike revenue there." But when by the death of Charles II, the property of the Province devolved wholly upon the Crown, such personal considerations no longer were a bar to his return to his first principle. Accordingly, the year after he came to the throne by the title of James II, he abolished the Assembly, and by a new commission gave the Governor "full power and authority, with the advice and consent of the council, or major part of them, to make, constitute and ordain Laws, Statutes and ordinances for the Publick peace, welfare and good government of the Province and of the people and inhabitants thereof;" such laws to be transmitted to England within three months after their enactment for the Royal approbation, and to be null and void if "at any time disallowed and not approved."

and on what
condition.

1686.
10 June.
Assembly
abolished.
Provisions of the
New Constitution.

N. Y. Col. Doc.,
116, 370, 378.

This commission was received in New York on the 14th of September, 1686, and in the beginning of the following year, a Proclamation was issued dissolving the Assembly.

1687.

By the GOVERNOUR in Council.

WHEREAS the General Assembly of this province hath been prorogued until the five & twentyth day of *March* next, for weighty and important reasons me thereunto moving I have thought by and with the advice and consent of the Council to DISSOLVE the s^d Generall Assembly & it is hereby DISSOLVED, whereof I thought good to give notice to all the members thereof & to all others whom it may concerne that they need not give their attendance att the time appointed according to the prorogacōn aforesaid

Given under my hand and the Seale of the said province att ffortt James in New Yorke the 20th day of January 1686. And in the second yeare of his Majties Reigne.

By his Excyēs Comand

THO DONGAN.

J. S. Swinton

This to be forthwith published by the Sherriff of y^e Citty & County of Albany
(Endorsed)

This Proclamation was published in the Citty of Albany y^e 3: febr^r and at Skenectodey the 4th ditto 1686

By Me

RICH PRETTY Sheriffe.

The population of the province of New York at this period may have amounted to 18 or 20,000 souls. The Council in whom the legislative power was vested, numbered five persons.

Population of the
province of New
York.
Number of the
Council.

The following are all the Legislative proceedings of the Governor and Council that I find recorded :

Att a Council held att ffort James December the ninth 1686

Journal of the
Legislative Council.

PRESENT. — HIS EXCELLY

Major BROCKHOLLS

M^r FFLYPSEN

M^r COURTLANDT

M^r SPRAGG

Major BAXTER

His Excellys Instrueōns being read and considered it is

Ordered, that all the branches of the revenue & all other laws that have been made since the yeare 1683 except such as his Ma^{ty} has repealed remaine & continue as they now are till further consideracōn

Laws since 1683
continued.

Judge Palmer & the Attourny Gen^l are of the opinion that his Excellys commission is sufficient for him & the Council to make the Law against pirates & privateers,

Ordered, that the Atto^rney Gen^l prepare such An Act according to the President sent from England and bring the same in to bee passed against Thursday next

Bill against pirates
ordered.

At a Council held the 14th ffèbry 1686

PRESENT — HIS EXCELLENCY,

Major BROCKHOLLS

Major FFLYPSEN

Major COURTLANDT

M^r SPRAGG

Maj^r BAXTER

Ordered Mr Graham draw up a Bill for the continuance of the Revenue, wherein provision may bee made that one witnesse bee sufficient prooffe¹

¹ It will be observed that this is a similar Bill to that rejected by the Assembly in 1685. See p. xv.

At a Council held y^e 22th ffebry 1686

PRESENT — HIS EXCELLENCY &c

Appropriation bill
passed.

Bill for y^e defrayeing y^e necessary charge of the Government, read the first tyme, and some amendments ordered to bee made therein, and y^e same to bee passed by Judge Palm^r

Bill against Privateers read y^e 2^d tyme

At a Council held 23^d feb^{ry} 1686

PRESENT — HIS EXCELLENCY &c

Revenue act read
2d time.

Act about the Revenue read the second tyme.

Att a Council hed y^e 24th ffebry 1686

PRET. — HIS EXCY &c

Revenue act passed.

Act about the Revennue read the third tyme — passed

Privateers act
passed.

Act about privateers — passed

Att a Council y^e 10th March 1686

PRNT. — HIS EXCYE

Maj^r BROCKHOLLS

Maj^r FFLIPSEN

Maj^r COURTLAND

Judge PALM^r

NICHAS BAYARD

Fee Bill ordered to
be prepared.

Ordered, Judge Palm^r, M^r Bayard, Maj^r Cortlandt, M^r Graham & Captn Nicholls prepare a Bill for the settleing the fees of all the Courts & officers within this Gov^t

Att a Council 16th March 1686

PNT. — HIS EXCY

Maj^r FFLIPSEN

Maj^r BROCKHOLLS

Judge PALM^r

Maj^r COURTLANDT

Bill to prevent
frauds read 1st time.

Bill read to prevent frauds

At a Council held March 17th 1686

Passed.

Bill to prevent frauds read. Passed

Att a Council March 31st 1687

PRESENT — HIS EXCELLENCY

Major BROCKHOLLS

Major FLIPSEN

Major COURTLANDT

Coll^o BAYARD

Judge PALMER

Settlement Bill.

Ordered a Bill be drawn up for Settlements

Assessment Bill.

Ordered a Bill be drawn up for Assessments

1687.

PRESENT — HIS EXCELLENCY	Major BROCKHOLLS
Maj ^r FLIPSEN	Maj ^r CORTLAND
Coll ^o BAYARD	Judge PALMER

Bill against Imbracery.

PRESENT — HIS EXCELLENCY
Maj^r CORTLAND Major BROCKHOLLS
Judge PALMER Coll^o BAYARD

Bill to raise one half penny in the pound ordered to be prepared.

PNT.—HIS EXCYE
 Act about settlem^t, read the first tyme—
Ordered to be amended

Settlement act read
and amended.

PNT.—His EXCYE BAYARD &c except BROCKHOLLS

Bill for y^e raizing ½^d ℥ pound, read y^e first tyme.

Bill concerneing Excise of Rumme read the first tyme

Bill about Mortgages read y^e first tyme

Ordered, the Attorney Gen^l draw a Bill enacteing all bills, bonds, reccords
deeds, writeings &c bee in English &c.

Bill for raising $\frac{1}{2}$ d
in the £ read 1st
time.
Excise Bill read
1st time.
Mortgage Bill read
1st time.
Bill providing that
all legal instruments
&c., shall be in
English.

PNT. — HIS EXCY
 Bill $\frac{1}{2}$ ^d 4^p £b
 Act of Settlm^t
 Act abo^t Mortgages
 Bill for pleadings &c in Engl
 Act ab^t y^e Excise of rumm passed

½d in the £ act,
 Settlement act,
 Mortgage act,
 Act establishing the
 English language,
 Excise act passed.

PRESENT — HIS EXCEL'Y the GOV'N ^r	Major ANTHONY BROCKHOLS
Major FREDRYCK FFLYPSEN	Major STEPHANUS V CORTLAND
Coll NICHOLAS BAYARD	Judge JOHN PALMER Esq ^{ts}

Petition of Daniel Duchemin and othr frenchmen praying to be naturalized, ^{Naturalizing}
Read Duchemin et al.

Ordered, y^t it be referred and that the Attorney General Draw a Bill for Naturalizeing the Petitioners

MEMORANDUM FOR THE RECORD

TO: THE PRESIDENT, THE VICE PRESIDENT

FROM: THE SECRETARY OF THE ARMY
SUBJECT: [illegible]
[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

1687.

At a Council held at ffort James ffriday y^e 19th of August 1687

PRESENT — HIS EXCEL^{CY} The GOVERN^r Major ANTHONY BROCKHOLS
 Major FFREDRYCK FFLYPSEN Major STEPHANUS V CORTLAND
 Coll NICHOLAS BAYARD Judge JOHN PALMER

The Council give their opinions about raiseing Mony to Defray y^e Expen^{ce} about y^e Indyans & y^e ffrench

One penny in the pound,

and one halfpenny in the pound

ordered raised.

Bills introduced accordingly.

Resolved, that a penny in y^e pound besides the former Tax of a halfe penny in y^e pound be raised out of y^e Estates of the ffirehold^{rs} & Inhabitants of Kings County, Queens County, Dukes County, Dutcheses County, Countys of Richmond, Orange, Suffolk and Westchester, and one halfe penny in y^e pound out of y^e Estates of y^e Inhabitants & ffirehold^{rs} of y^e Cittys & Countys of New York and Albany & County of Ulster and the mony be brought in to y^e Kings Collector at y^e Custome house on or before y^e first day of May next

Ordered, that two Bills be Drawn up for the same accordingly

At a Council held at fforte James Saturday August y^e 20th 1687

PRESENT — HIS EXCEL^{CY} the GOVⁿ^r Major FFREDRYCK FFLYPSEN
 Major ANTHONY BROCKHOLS Major STEPHANUS VAN CORTLAND
 Coll NICHOLAS BAYARD Captⁿ JOHN PALMER

Bill to raise 1d in £ read

and passed.

The Bill ffor Raiseing a penny in y^e pound out of y^e Estates of y^e ffreehold^{rs} & Inhabitants of y^e Kings, Queens, Dukes & Dutcheses Countys the Countys of Richmond, Orange, Westchester & Suffolk Read and approved

Passed and Signed by y^e Govⁿ^r & Council

At a Council held at ffort James ffryday y^e 2^d of September 1687

PRESENT — HIS EXCEL^{CY} The GOVERN^r Major ANTHONY BROCKHOLS
 Major FFREDRYCK FFLYPSEN, Major STEPHANUS VAN CORTLANDT
 Coll NICHOLAS BAYARD Judge JOHN PALMER

Bill to raise one halfpenny in the pound passed.

Excise collection Act passed.

Bill to Raise one halfe penny per pound off all persons Estates in the Cittys and Countys of New York and in y^e County of Ulster read, approved and Passed Act for regulating y^e Collection of His Majesties Excize up Hudsons Read approved and passed.

At a Council Held at ffort James Monday the 22th of September 1687

PRESENT — HIS EXCEL^{CY} the GOVERN^r Major ANTHONY BROCKHOLS
 Major FFREDRYCK FFLYPSEN Coll NICHOLAS BAYARD

Bill n. turalizing Duchemin et al., passed.

Fill for Naturalizeing Daniel Duchemin and other ffrench persons Read Approved and Passed

At a Council held at ffort James Saturday y^e 8th of October, 1687

PRESENT — HIS EXCEL^{CY} the GOVERN^r Major ANTHONY BROCKHOLS
 Major FFREDRYCK FFLYPSEN Major STEPHANUS VAN CORTLAND
 Coll NICHOLAS BAYARD

Bill againt frauds in the excise to be engrossed.

Bill to prevent abuses and frauds in his Majties Excize read and *Ordered* to be engrossed

1687.

At a Councill Held at ffort James Tuesday y^e 11th day of October, 1687

PRESENT — HIS EXCY the GOVERN^r Major ANTHONY BROCKHOLLS
Major STEPHANUS VAN CORTLAND Major FFREDRYCK FFLYPSEN
Coll NICHOLAS BAYARD M^r JAMES GRAHAM

Bill to prevent frauds and abuses in his Majties Excice by Ordinary Keepers
Read, approved and passed.

Passed.

At a Councill Held at ffort James Tuesday y^e 25th October, 1687

PRESENT — HIS EXCY the GOVERNOUR Major ANTHONY BROCKHOLLS
Major STEPHANUS VAN CORTLAND Major FFREDRYCK FFLYPSEN
Coll NICHOLAS BAYARD M^r JAMES GRAHAM

Petition of the Mayor Recorder and Aldermen of Albany that a Tax of one shilling and six pence per Anchor for all Rumm and Distilled Liquors there sold formerly imposed uppon the sd Liquors by consent of this Board and is now Expiring may be continued for three yeares, read

Tax on Rum continued.

Ordered, that y^e said tax or Duty be continued for one whole year next Ensueing.

At a Councill Held at ffort James ffryday y^e 30th March, 1688

1688.

PRESENT — HIS EXCELCY the GOVERN^r Major ANTHONY BROCKHOLS
Major JARVIS BAXTER Major STEPHANUS VAN CORTLAND
Major FFREDRICK FFLYPSEN Coll NICHOLAS BAYARD

Ordered, that y^e Attorney Gen^l Draw An Act for all Negroes and oth^r servants within y^e Government to be instructed and bread in y^e Christian flaitth with a clause y^t y^e property of y^e owners of such serv^{ts} be no wise altered thereby

Bill for the instruction of negro and other slaves ordered to be prepared.

At a Councill Held at ffort James Monday y^e third day of May, 1688

PRESENT — HIS EXCELCY the GOVERN^r Major ANTHONY BROCKHOLLS
Major JARVIS BAXTER Major STEPHANUS VAN CORTLAND
Major FFREDRICK FFLYPSEN M^r JAMES GRAHAM

Resolved uppon Debate had thereof that the taxes lately made will not Raise mony sufficient to bear y^e p^rsent necessary charge of the Gov^rm^t and that a new Levy of £2556: s4 be made to be Paid by all y^e Inhabitants and freeholders in y^e Province in mony to his Majesties Collector at y^e Custome house in New York before y^e first day of November next in manner following, viz

A new tax ordered.

	£	s	
The Citty & County of New York to pay	434	10	00
County of West Chester.....	185	15	00
Citty and County of Albany.....	240	00	00
County of Richmond.....	185	15	00
County of Ulster.....	408	00	00
Kings County.....	308	08	00
Queens County.....	308	08	00
County of Suffolk	434	10	00
Dukes County	040	00	00
County of Orange	010	00	00

Ratio thereof.

Ordred, that y^e Attorney Gen^l Draw upp An Act for y^e tax accordingly

Bill therefor ordered introduced.

The first of these is the fact that the

second is the fact that the

third is the fact that the

fourth is the fact that the

fifth is the fact that the

sixth is the fact that the

seventh is the fact that the

eighth is the fact that the

ninth is the fact that the

tenth is the fact that the

eleventh is the fact that the

twelfth is the fact that the

thirteenth is the fact that the

fourteenth is the fact that the

fifteenth is the fact that the

sixteenth is the fact that the

seventeenth is the fact that the

eighteenth is the fact that the

nineteenth is the fact that the

twentieth is the fact that the

twenty-first is the fact that the

twenty-second is the fact that the

twenty-third is the fact that the

twenty-fourth is the fact that the

twenty-fifth is the fact that the

twenty-sixth is the fact that the

twenty-seventh is the fact that the

twenty-eighth is the fact that the

twenty-ninth is the fact that the

thirtieth is the fact that the

1688.

At a Councill Held at ffort James Thursday y^e Seaventeenth day of May, 1688

PRESENT. — HIS EXCELLCY the GOVERN^r

Major JARVIS BAXTER.

Major ANTHONY BROCKHOOLS

Major STEPHANUS VAN CORTLAND

Major FREDRYCK FFLYPSSEN

M^r JAMES GRAHAM

Coll NICHOLAS BAYARD

The £2,555 act
passed.

An Act for raising the sume of two thousand five hundred and fifty five pounds six shillings by or before the first day of November next read three times and approved and passed.

Bill for the instruc-
tion of slaves read.

An Act for y^e Encouragement of masters and owners of Indyan Slaves and Negroes to educate them in y^e Christian fayth, read &

To be engrossed.

Ordred to be Engrossed.

Act for continuing
Judges' salaries
passed.

An Act for y^e continuance of y^e Judges (Sallary) of the Court of Oyer and terminer read approved and passed

Bill to prohibit
shoemakers from
tanning read and
to be engrossed.

An Act to prohibitt shewmakers ffrom using y^e mistery of tanning Hides read & *Ordred* to be Engrossed.

1687.

7 April.
The country from
Maine to Delaware
one government.

Meanwhile a change in the Constitution and government of the Province had been resolved on in England. The entire country from the Delaware to the St. Croix, in Maine, was consolidated into one government, and placed under the rule of Sir EDMUND ANDROS, with the following *legislative* powers :

Legislative powers
continued in the
in the Governor
and Council.

And Wee do hereby give and grant unto you full power and authority, by and with the advice and consent of our said Councill or the Major part of them, to make constitute and ordain lawes statutes and ordinances for the public peace welfare and good governm^t of our said territory & dominion and of the people and inhabitants thereof, and such others as shall resort thereto, and for the benefit of us, our heires and successors. Which said lawes statutes and ordinances are to be, as near as conveniently may be, agreeable to the lawes & statutes of this our kingdom of England: Provided that all such lawes statutes and ordinances of what nature or duration soever, be within three months, or sooner, after the making of the same, transmitted unto Us, under our Seal of New England, for our allowance or disapprobation of them, as also duplicates thereof by the next conveyance.

And Wee do by these presents give and grant unto you full power and authority by and with the advice and consent of our said Councill, or the major part of them, to impose assess and raise and levy such rates and taxes as you shall find necessary for the support of the government within our territory and dominion of New England, to be collected and levyed and to be employed to the uses aforesaid in such manner as to you & our said Councill or the major part of them shall seem most equall and reasonable.

And for the better supporting the charge of the governm^t of our said Territory and Dominion, our will and pleasure is, and wee do be these presents authorize and empower you the s^d S^r Edmund Andros and our Councill, to continue such taxes and impositions as are now laid and imposed upon the Inhabitants thereof; and to levy and distribute or cause the same to be levyed and distributed to those ends in the best and most equall manner, until you shall by & with the advice and consent of our Councill agree on and settle such other taxes as shall be sufficient for the support of our government there, which are to be applied to that use and no other.

N. Y. Col. Doc.,
III, 538.

Official notice of this change was received at New York on the 28th July 1688, and two days after the Governor and Council

Ordered, that all further Proceedings to wards the Leuying the late Tax and Imposicon of two thousand five hundred fifty five Pounds & Six Shillings to be paid by the first day of Nouember next do cease & is hereby suspended till further order, and that the Sheriffs of the Respectiue Countyes haue Notice Giuen them Accordingly

1688.
The £2,555 Act
suspended.

At a Councill Held at ffort James August 2^d 1688

PRESENT — Major BROCKHOLLS

Major PHILLIPS

Coll BAYARD

Major BAXTER

Major CORTLANDT

Act about tanning of hides being three times read in council was assented unto and passed. Tanning Act passed.

This is the last legislative Act passed during the administration of Governor Dongan.¹

¹ THOMAS DONGAN was a descendant of an ancient Irish Catholic family, being a younger son of Sir John Dongan, Baronet, of Castletown in the county of Kildare, and nephew of Richard Talbot, afterwards Earl of Tyrconnel. He was born in 1634, trained to the profession of arms, and served under Louis XIV, having been Colonel of an Irish regiment in the French service. In 1677-8, an order was issued for the return to England of all English subjects serving under the French crown, and Colonel Dongan informs us that he was obliged to quit "that honorable and advantageous post, and resisted the temptation of greater preferment then offered him, if he would continue there; for which reason the French King commanded him to leave France in forty-eight hours and refused to pay him a debt of 65,000 *livres* then due to him, for recruits and arrears upon an account stated with the Intendant of Nancy."

On his return, he was appointed by Charles II., a general officer in the English army then designed for Flanders, and had an annual pension of £500 settled on him for life in consideration of his losses in France. It is obvious, however, that he did not act under that appointment, inasmuch as in the same year he was made Lieutenant-Governor of Tangier, in which post he continued until 1680.

In September, 1682, he was appointed Governor of New York, and filled that office with admitted reputation until 1688. Smith says of him, "He was a man of integrity, moderation and genteel manners, and though a professed papist, may be classed among the best of our governours." On being superseded by Sir Edmund Andros, he was offered the commission of Major-General and a regiment in the service of James II., all which he refused. He remained in America until 1691, when he returned to England.

In 1685, during the residence of Governor Dongan in New York, his brother, William, who had been created, in 1661, Baron Dongan and Viscount Claine in the Irish Peerage, was advanced to the earldom of Limerick, with remainder, failing direct issue, to Colonel Thomas Dongan. But the Earl having adhered to James II. and having followed that monarch to France, his estates became forfeit, and were granted to the Earl of Athlone, one of the followers of William III. This grant was confirmed by an Act of the Irish Parliament, with a clause, however, saving the right of Colonel Dongan, who, on his return home, made every exertion to recover some portion of those estates. This nobleman died at St. Germain in 1698, whereupon Colonel Dongan was introduced at Kensington to William III., whose hand he kissed on occasion of succeeding to the earldom of Limerick. He was allowed, about the same time, £2,500 in tallies, being part payment of advances made by him for public purposes, whilst Governor of New York. All this time he did not intermit his efforts to recover his deceased brother's estates, and he so far succeeded as to have an Act of Parliament passed for his relief, 25th May, 1702. But, although he offered to serve again in the Plantations, it does not appear that he was employed under the crown during the remainder of his life, which terminated in London on the 14th day of December, 1715. His remains were interred in St. Pancras Church yard, Middlesex. The following is a copy of the inscription on his tombstone:

Tho Right Hon^{ble} THOMAS DONGAN
Earl of LYMERICK,
Died December 14th Aged Eighty-one years. 1715.
Requiescat in Pace. Amen.

This nobleman died without issue. His estates in America were settled chiefly on three nephews, John, Thomas and Walter Dongan. Lieutenant-Colonel Edward Vaughan Dongan, of the 3d Battalion of New Jersey Volunteers, who died of wounds received in an attack on the British posts on Staten Island, in August, 1777, was son of the last mentioned gentleman. John Charlton Dongan, another collateral descendant of the Earl of Limerick, represented Richmond county in the New York Assembly from 1786 to 1789. Representatives of this ancient family are still to be found in New York.

The above particulars are borrowed from the manuscript Introduction to *The Laws of New York* from 1664-1691, about to be published by GEORGE H. MOORE, Esq.

1688.
New York
annexed to New
England.

On the 11th of August, the Province of New York was annexed to New England, and the £2,555 Act was revived by the following order in Council :

Att a Council held att New Yorke on Wednesday the nyne & twentyth day of August, 1688.

PRESENT — His Excellency S^t EDMUND ANDROS KN^t

JOSEPH DUDLEY,
ROB^t MASON,
ANTHO. BROCKHOLLS,
WALTER CLARKE,
JOHN WINTHROP,
FRED. PHILLIPS,
JARVIS BAXTER,
STEPHEN CORTLANDT,

} Esq^{rs}.

JOHN VSIER,
EDWARD RANDOLPH,
JOHN WALLEY,
WALTER NEWBERRY,
JOHN YOUNG,
NICHOLAS BAYARD,
RICHARD SMITH,
JOHN ALLEN,

} Esq^{rs}.

The £2,555 Act
revived and ordered
to be executed.

WHEREAS the Execucōn of an Act made the seaventh day of May last past by his Excellency Thomas Dongan, late Capⁿ Generall and Gouvernour in Chiefe of his Maties Province of New Yorke in America, intituled, an Act for raising y^e sūme two thousand five hundred fifty five pounds six shillings, by or before y^e first day of November in the yeare of our Lord one thousand six hundred eighty and eight, hath been and is, by order of his said Excell^y in Councill, dated the thirtyth day of July last past, for y^e reason therein mencōned, suspended till further order, which being taken into consideraōn, itt is ordered, that ye said act be fully and duly exccecuted according to the tenor and true intent and meaning thereof, and y^e money therein mencōned duely leaved, raised, collected and paid, as therein is directed, of which all Justices of y^e peace & other officers & persons concerned are to take notice & conforme themselves accordingly.

Trumbull's Con-
necticut Records,
III., 447.

1689.
3 June.
Revolution in
New York.

This arbitrary and despotic form of government continued until the 3d of June of the following year, when it was put down by Captain JACOB LEISLER, who seized the fort, whereupon lieutenant-governor Nicholson fled the province.

1690.
An Assembly
called.

Early in the next year, writs were issued, under Leisler's authority, to the sheriffs of the several counties for an election of members of Assembly. All, except Suffolk, chose Representatives viz^t.

Names of the
members.

New York,	{ JOHN SPRATT CORNELIUS PLUVIER ROBERT WALTERS WILLIAM BEEKMAN ¹
Westchester county,	THOMAS BROWNE
Kings county,	
Queens county,	NATHANIEL PEARSON ²
Suffolk county,	None
Ulster county,	
Albany,	JAN JANSE BLEEKER
Schenectady,	RYER SCHERMERHORN

¹ Did not attend.

² Refused to sit.

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This Assembly met in April and passed the following Bill :

1690.

First session.

April 1690.

AN Act to raise throughout the government three pence in every pound real and personal, to be paid the first of June.¹ Act to raise 3d in the £.

It then adjourned to the 1st of September ; but " His Majesty's special servis preventing y^e s^d session," the legislature was convoked for the 15th of the same month, when it met, JOHN SPRATT being speaker, and passed the following laws : Second session.

2d October 1690

AN Act for raising three pence in the pound of all Real and Personal visible Estate of all and singular the inhabitants of this Province to be levied in January and March next Act to raise 3d in the £.

4th October, 1690.

A BILL for Amercing and fining all persons within this Province of New York refusing to serve in Comission of Civill or Military Power within s^d Province under his Maj^{ties} Liev^t Govern^r of the Province aforesaid & that none Inhabitants of y^e of y^e City & County of Albany & Ulster Leave or Depart the City or Countys aforesaid without spetiall Lycense of the said Authority or Carry of or transport from said Places any Wares or Merchandises — except such hereafter exprest. Act to oblige persons to serve in civil or military office, and to prevent persons leaving certain places without leave.

A Bill passed the Assembly also at this session, entitled,

AN Act for Confirming to the Inhabitants of this Province the full priviledge and benefitts of his Maj^{ties} Laws within this Province. Act to confirm to the Public the benefit of H. M. laws.

But it does not appear to have passed the Council ; at least it wants the signature of the Lieutenant Governor.

Meanwhile Colonel HENRY SLOUGHTER was commissioned governor of the Province; who landed in New York on the 19th March, 1691, and published his commission, whereby the right of the people to a Representative Assembly was again formally acknowledged in these words : Henry Sloughter, governor.

And we do hereby give @ grant unto you full power and authority with the advice @ consent of our said Councill from time to time as need shall require, to summon & call generall Assemblies of the Inhabitants being Freeholders within your Government, according to the usage of our other Plantations in America. Extract from his commission.

And our will and Pleasure is, that the persons thereupon duely elected by the Major part of the Freeholders of the respective Countys and places and so returned and having before their sitting taken the oaths appointed by Act of Parliament to be taken instead of the Oaths of Allegiance and Supremacy and the Test, which you shall commisionate fit persons under our seal of New York to administer, and without taking which, none shall be capable of sitting though elected, shall be called and held the Gen^{ral} Assembly of that our Province and the Territories thereunto belonging To call an Assembly ;

And that you the said Henry Sloughter by @ with the consent of our said Councill and Assembly or the major part of them, respectively have full power and authority to make constitute and ordaine Laws Statutes @ ordinances for y^e publique Peace, welfare and good Government of our said Province and of the people @ Inhabitants thereof and such others as shall resort thereto & for the benefit of us our Heirs & Successors Its Title, and powers.

Which said Laws Statutes & Ordinances are to be (as near as may be) agreeable unto the Lawes & Statntes of this our kingdome of England

¹ And that all townes and places should have equal freedom to boult and bake and to transport where they please directly to what place or country they think fitt, any thing their places afford, and that the one place should have no more privileges then any other. *N. Y. Coll. Doc.*, III, 717. I cannot say whether this formed a separate act or not. If it did, then tw acts were passed in this Session.

MEMORANDUM FOR THE RECORD

SUBJECT: [Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

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[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

1691.

Laws to be sent to
England for
approval.

Provided that all such Laws, Statutes & Ordinances of what nature or Duration soever be within three months or sooner after the making thereof, transmitted unto us under our seal of New York for our Approbation or Disallowance of the same, As also Duplicates thereof by the next conveyance

Can be vetoed at
any time.

And in case any or all of them being not before confirmed by Us shall at any time be disallowed @ not approved, and so signified by Us our Heires & Successors, under our or their Sign Manual and Signet or by order of our or their privy Council unto you the said Henry Sloughter or to the Commander in Chief of the said Province for y^e time being, then such and so many of them as shall be soe disallowed and not approved shall from thenceforth cease determine @ become utterly voyd and of none effect, any thing to the contrary thereof notwithstanding.

And to the end nothing may be passed or done by our said Councill or assembly to the Prejudice of us, our Heires and Successors, We will @ ordaine that you the said Henry Sloughter, shall have @ enjoy a negative voice in the making and passing of all Laws, Statutes and ordinances as aforesaid

The Governor to
have a negative,
and power to
Adjourn or Dissolve
the Assembly.

And that you shall and may likewise from time to time as you shall judge it necessary Adjourn Prorogue and Dissolve all General Assemblies as aforesaid

Legislature
theoretically three
branches;
practically, two.

The Legislature thus constituted, consisted in theory of three Branches, viz.: Governor, Legislative Council and Assembly; but in fact, of only two, for the Governor presided at the sittings of the Council, voted whenever he pleased as a member of that body, and in case of a tie, gave the casting vote as presiding officer. Thus the executive possessed, with the final, formal assent to the Bill, two, and in some cases, three votes on every legislative measure. This state of things continued for nearly half a century without remark or complaint.

Executive encroach-
ment;

1733.

At length Governor Cosby, then administering the government, having quarreled with Chief Justice Morris, James Alexander and other leading men of the Colony, a hot and bitter controversy was commenced in the New York Newspapers. The Governor to justify his suspension of some of these gentlemen from office, transmitted to the Board of Trade certain numbers of those newspapers "by which it is intimated that you (Gov. Cosby) have sometimes voted as a councillor in a legislative capacity." This appearing to the Lords of Trade "to be inconsistent with the tenour and intention of his majestys commission and instructions," they laid the Case before the law officers of the crown for their opinion.

attracts the atten-
tion of the Home
government,

and laid before the
law officers of the
Crown.

Case.

The Government of His Maty^s Plantations in America consists of a Gov^r Council and Assembly — These three have the Power of making Laws vested in them and the Governor has a Negative upon every Act passed by the Council and Assembly

The Council sits in two capacitys viz as one part of the Legislature, and as a Council to advise & assist the Governor in all political cases

And the Governors are restrain'd by their Instructions not to act without the advice and consent of the Majority of them, in many cases

QUERY. . . . Therefore, whether in any Case the Governor can sit and vote as a member of the Council

On the Death or absense of a Governor The President of the Council, if there be no Lieutenant Governor upon the Place, always acts as Governor, till a new Governor is appointed by His Majesty

QUERY. . . . Is the said President then capable of acting and voting as a Councillor during the time he acts as Governor, and represents the King?

Sir John Willes, his Majesty's Attorney General and Dudley Ryder Esq., the Solicitor General, made answer: 1735.

1st We are of opinion that it is inconsistent with the nature of this Government with the Governors commission & His Majesties Instructions That the Governors should in any case whatsoever sit and vote as a member of the Council Opinion of the Attorney and Solicitor General.

2^d The clause in the Governors Commission which gives the Power to the President of the Council to act as Governor in case of the Death or absence of the Governor is not laid before us but only referred to in the Instructions but we presume it gives him no greater power than is given to the Governor himself and if not we are of opinion that such President cannot act or vote as a Councillor during such time as He acts as Governor

J WILLES

January 15th 1735

D RYDER

Thereupon a letter was addressed to the Governor notifying him that the Council sat in two capacities, viz^t 1st as a council to advise his Excellency. In such case he was to sit and advise with them. 2^d as the *Third* part of the Legislature, and in that case he was neither to sit nor vote with them. For was he to do so, on any occasion where a law is the subject of their debate, and that the councillors were divided in opinion, the law would be either passed or rejected by his single vote. It would in fact be taking away the privilege of the council in vesting two of the three parts of the Legislature in one person, and consequently destroying the Constitution established for the Colony. The Governor excluded from the Legislative Council;

Henceforward, the Council, when acting in a legislative capacity, no longer sat in Fort George, but in a room fitted up for the purpose, in the City Hall of New York in which building also the Assembly held its sessions. The Chief Justice was at first selected to be SPEAKER, but the business of the Supreme Court requiring his attendance, it was Resolved, That the eldest councillor present shall at all times hereafter preside as Speaker. which sit, for the first time, apart, and elect their own Speaker.

This rule obtained whilst the Legislative Council continued in existence.

Regular minutes were kept of the Votes and Proceedings of this Body from 1691 to 1775, and deposited in the office of the Secretary of State, but they were never printed. Their preservation being a matter of great importance, for there was only one copy of them, I deemed it my duty to call the attention of the Joint Library Committee of the Legislature to the subject, whereupon the Hon^{ble} the Senate, on motion of the Hon^{ble} J. McLEOD MURPHY, Chairman of the Committee, ordered these Journals to be printed.

1897 The United States of America, on this day, of
the year of our Lord 1897, and of our Independence the 76th

Yearly meeting of the National Association of Manufacturers, held at
the Hotel New York, New York, on the 1st day of January, 1897,
presented to the Association a report of the National Association of
Manufacturers, for the year 1896, which report was read by the
President of the Association, and was approved by the Association,
and the following resolution was adopted: Resolved, That the
National Association of Manufacturers, in its report for the year
1896, has shown that the manufacturing industry of the United
States has made great progress, and that the manufacturing
industry of the United States is the most important and the most
valuable of the industries of the United States.

1897 The National Association of Manufacturers, in its report for the
year 1896, has shown that the manufacturing industry of the United
States has made great progress, and that the manufacturing
industry of the United States is the most important and the most
valuable of the industries of the United States. The National
Association of Manufacturers, in its report for the year 1896, has
shown that the manufacturing industry of the United States has
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made great progress, and that the manufacturing industry of the
United States is the most important and the most valuable of the
industries of the United States.

28-29

STANDING RULES OR ORDERS OF COUNCIL.

Fryday the 15th October 1736

Resolved that any three of the members (whereof the Speaker to be one) may adjourn the Council

Power to any three, the Speaker being one, to adjourn.

Resolved that no less than five be a Council to do Buisyness

No less than five to do business.

Wednesday October 20th 1736

Resolved that the Eldest Counsellor present Shall att all times hereafter preside or officiate as Speaker

The eldest Counsellor present to act as Speaker.

Wednesday October 27th 1736.

Ordered that the Minnits of the Counsil be first perused by the Council before they be entered in the book for that purpose to be kept

Minnits before they are entered to be first passed by the Council.

Tuesday the 9th November 1736

Ordered that all the Standing Rules or Orders of the Council be not only entered in the Minnits of the day on which the same shall be made, but also in a distinct place by themselves for that purpose to be kept In order to the readier turning to and finding out any particular Standing Rule or Order as occasion may require.

All standing orders to be entered in a place by themselves.

Tuesday the 4th October 1737

Ordered that upon all private Bills for the future to be presented to this House, the party or partys for whose use or benefitt Such Bill or Bills is or Shall be intended, shall before the second reading thereof be ordered, make his or their application to the Council by petition Setting forth the reason or Motives for or on which they wo'd pray the Council to pass the Same, and that the person or persons who Shall apply for the obtaining of any Such private Bill or Bills be acquainted or served with a copy of this Order.

On all private bills the Council to be applied to by petition before the 2d reading.

STANDARD RULES OF CONDUCT

ARTICLE I - PURPOSE

The purpose of these rules is to provide a fair and equitable environment for all participants in the competition. These rules are intended to be read and understood by all participants before the competition begins.

ARTICLE II - DEFINITIONS

The following definitions shall apply to these rules:

ARTICLE III - GENERAL RULES

All participants must adhere to the following general rules:

ARTICLE IV - DISCIPLINARY RULES

Participants who violate these rules may be subject to disciplinary action.

ARTICLE V - APPEALS

Participants who wish to appeal a decision may do so within a specified time frame.

ARTICLE VI - FINAL PROVISIONS

These rules shall be the final authority in all matters relating to the competition.

Tuesday 13th Decemb^r 1737

On naturalization
bills, Speaker to
have 14s for each
person.

On the Bill for naturalizing Rhuel and others.

Ordered that the Speaker of the Council have ffourteen Shillings for each person mentioned in the above act of naturalization, and the like fee on all naturalization Bills hereafter to be brought to the Council for their assent for each person in such bill or bills proposed to be naturalized.

Wednesday the 17th Oct^r 1739

All raisures and
interlineations in
bills brought from
the Assembly to the
Council, to be
entered in the
Minnitts.
This made a
standing order.

Ordered that all the Raisures and Interlineations that Shall appear in any Bills past the General Assembly and brought to the Council for their concurrence be particularly taken notice of and entered in the minnitts and

Ordered that this be among the Standing Orders of this Board

MISSING VOTES

OF THE

NEW YORK COLONIAL ASSEMBLY.

On comparing the printed Journals of Assembly with the Minutes of the Council, those of the Assembly are found deficient of the

Journal for the Session of 1683	1683.
Journal for the Session of 1684	1684.
Journal for the Session of 1685	1685.
Journal for the Session beginning April 20 and ending April 29 1692.	1692.
Journal from 26 th October to November 9 th 1692 and the names of the members elected.	
Journal from 4 th April to 10 th April 1693 inclusive.	1693.
Journal from 25 th April 1699 to the end of the Session 16 th May 1699 inclusive.	1699.
Journal from 25 th July to the 29 th October 1700	1700.
Journal from 30 th June 1740 to the 12 th July 1740 inclusive.	1740.
Journal from 11 th June 1766 to the 3 July 1766 inclusive.	1766.
Journal from 10 th November 1766 to the 19 Dec. 1766 inclusive.	
Journal from 27 May 1767 to the 6 th June 1767 inclusive.	1767.
Journal of the 23 and 24 November 1767	

THE JOURNAL

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JOURNAL
OF THE
LEGISLATIVE COUNCIL,
OF THE
PROVINCE OF NEW YORK.

FIRST ASSEMBLY: 1ST SESSION.

At A Council held at ffort William Henry the 9th of April, 1691.

PRESENT—

His Excellency THE GOVERNOUR,

JOS. DUDLEY,
FERED PHILLIPS,
STEP. V. CORTLANDT,
NICH. BAYARD,
WILL. SMITH,

} Esqrs.

THO. WILLET,
GAB. MONVIELE,
CHIDLEY BROOKE,
WILL^m NICOLLS,

} Esqrs.

Ordered, A Commision to William Smith & Chidley Brooke Esqrs. to Administer the Oaths as th his Excell^y Commision are directed to the Respective persons Elected Representatives for the Cityes, Townes & Countyes in this Province.

Vpon the retorne of John Bowne and Nathaniel Pierseall two Representatives for Queens County who are not qualified to take such Oaths as are in the like cases provided,

Ordered, that a Warrant be directed to the Sheriffe of said County that he make choice of two other fit persons in their steade.

Ordered, that a Warrant be immediatly issued forth to the Sherriffe of Albany County to Elect a Burgesse for the Mannour of Ranslaerswyek to make his Attendance immediatly.

The Representatives appeared in their accustomed method and presented Mr. James Graham their Speaker who being approved off desired their former Rights and Priviledges, viz. that none of their members nor their servants be arrested nor molested during the Sessions; that they may have freedom of Accessse to his Excellency and Council when Occasion presents; That they may have liberty of speech and favourable construction made upon all Debates that may arise amongst them, and for the removeall of all misunderstandings that a Committe of the Council may Joyne with a Committe of their house to Conferr on what matters may Occurr and this their Demands may be approved by his Excellency and Council and entered in their Council book; which are allowed and approved off accordingly.

At a Council held at ffort William Henry the 10th of April, 1691.

PRESENT—

His Excellency THE GOVERNOUR,

JOS. DUDLEY,
FFRED PHILLIPS,
STEP. V. CORTLANDT,
NICH. BAYARD,
WILL. SMITH,

} Esqrs.

CHIDLEY BROOKE,
GAB. MONVIELE,
WILL^m NICOLLS,
THO. WILLETT,

} Esqrs.

Ordered, that a writ be issued forth to the Sherriffe of Vlster and Dutchess County for the Imediate Electing of a Burgess for that County in the stead of Capitaine Thomas Garton, upon the report of the Assembly that the said Garton is wanting.

Vpon the vote of the Assembly that the thanks of that house should be returned to his Excellency for the favourable speech made by him and the President by his direction and also for the effectuall and speedy care that his Excellency has taken for the suppressing the many disorders and disquiets that were in the Government on his arriveall here, the same was accordingly delivered by Will^m Merritt, John Pell, Direk Wessells, Henry Pierson, Ellis Duxbury, John Poling and Henry Beeckman P order of that house.

Joseph Dudley and William Nicolls Esqrs are appointed a committee of this board to meet with such of the Members of the Representatives as are appointed by that house to draw the Address to their Matyes and to Confer of such other Orders as may be necessary to be resolved in this Sessions.

There is Offered to the consideration of the Assembly by His Excell^y

An Address to his Matye;

A Committe to Review and Report the Laws, Courts and Sallaryes of the Judges;

An Act for Ministers in Every Town and their maintainance;

An Act for the quieting of the late troubles and assurance of the People in general from any pursuit saving to every one his particular accōn;

The support of the Garrison at Albany;

The continuation of the Revenue with such Amendments and Additions as may be necessary;

In which particulars the house of Representatives is desired to proceed with such Expedicōn as may be, there being a necessity of the Governour's going to Albany in a short time and a recess of the Assembly unto a longer day.

At A Council held at ffort William Henry Aprill 13th, 1691.

PRESENT—

The Governour and Council doe agree to this Resolve and Order the Secy to send to the house of Representatives the Establishment as follows:

One Cap ^t P diem.....	8s
Two Liev ^{ts}	8
ffour Sergeants.....	6
ffour Corporalls.....	4
Two Drumms.....	2
One hundred fusileers.....	£3 6 8d
P diem is.....	£1 14s 8d
P Annum is.....	£1727 13s 1d

Incidents for Transportacōn, Armourer, Surgeon, &c.

At A Council held at ffort William Henry Aprill the 15th, 1691.

PRESENT—

His Excellency THE GOVERNOUR,

JOS. DUDLEY,
FFRED. PHILLIPS,
STEP. V. CORTLANDT, } Esqrs.
NICH. BAYARD,
WILL. SMITH,

CHIDLEY BROOKE,
GAB. MONVIELE,
WILL. NICOLLS, } Esqrs.
THO. WILLETT,
WILL^m PINHORNE,

Ordered, That William Pinhorne Esqr doe cary & Deliver unto the house of Representatives a message in writing wherein his Excellency and Council recommend the Expediting a Bill for the Establishing Courts of Judicature throughout this Province, as also to take into consideration the Act of the late Assembly Intituled, An Act for the settlem^t of y^e Courts of Justice as a forme found very agreeable to the Constitution of this governm^t.

Mr Pell and Mr Duxberry having attended his Excell and Council and moved that a Sergeant at arms may be appointed to attend service of their house,

Ordered, That Mr Benjamin Phipps Sergeant at arms doe attend that house accordingly.

At A Council held at ffort William Henry the 16th of April, 1691.

PRESENT—

His Excellency THE GOVERNOUR,

FFRED. PHILLIPS,
NICH. BAYARD,
STEP. V. CORTLANDT, } Esqrs.
CHIDLEY BROOKE,
WILL. SMITH,

WILL. NICOLLS,
GAB. MONVIELE, } Esqrs.
THO. WILLETT,
WILL. PINHORNE,

This morning Mr Whitehead and Mr. Howell from the house of Representatives attended his Excell^y in Council and desired that the Attorney Generall may attend their house to draw up such Bills as are necessary for their Majestyes service and the good of the government as formerly accustomed.

Ordered, that the Attorney General doe attend that house accordingly.

At A Council held at ffort William Henry 18th Aprilis, 1691.

PRESENT—

His Excellency THE GOVERNOUR,

JOS. DUDLEY,
FFRED. PHILLIPS,
NICH. BAYARD, } Esqrs.
STEP. V. CORTLANDT,
CHID. BROOKE,

WILL. SMITH,
GAB. MONVIELE, } Esqrs.
THO. WILLETT,
WILL. NICOLLS,
WILL. PINHORNE,

Gabriel Monviele Esqr and Thomas Willett Esqr are appointed to attend the house of Representatives and acquaint them of the many good services done to this Province by Cap^t William Kidd in his attendance here with his vessell during his Excellencies absence and that it would be very acceptable to His Excellency and this board that they consider of some suitable reward to him for his services.

This day the whole house attended his Excellency in Council and the Speaker made their Address in these words following :

May it Please yo^r Excellency

We their Matyes most dutiful and Loyall Subjects Convened by their Matyes most gracious favour in Generall Assembly in this Province doe in all most humble manner heartily Congratulate yo^r Excellencies arrivall in this Government and withall presume to acquaint yo^r Excellency that as in our hearts we doe abhorre and detest all the Rebellious arbitrary and illegall proceedings of the late Usurpers of their Matyes Authority over this province, So we doe from the bottom of our hearts with all integrity acknowledge and declare that there are none that can or ought to have Right to Rule and Govern their Matyes Subjects here but by their Matyes authority which is now placed in yo^r Excellency. And therefore we doe solemnly

Declare That we will with our lives and fortunes support and maintaine the Administracōn of Yo^r Excellencyes Government under their Matyes against all their Matyes Enemyes whatsoever, and that we humbly Pray yo^r Excellency to accept this as the sincere acknowledgements of all their Matyes good Subjects within this their Province Praying for their Matyes long and happy Reigne over us And that yo^r Excell^y may long live and Rule us according to their Matyes most Excellent constitution of Governing his Subjects by a Generall Assembly.

Afterwards he Delivered the same in writing signed by Ord^r of the house of Representatives James Graham Speaker and the Resolves of that house.

Vpon Reading this day the Resolves of the house of Representatives and their Address to his Excellency thereupon presented to this board, the Governour and Council doe accept the same, returne them thanks, Consent and agree therein and desire the Concurrence of the Representatives that they may be forthwith published and that Mr Nicolls waite upon their house with this minute.

There was also presented unto this board an Order of the house of Representatives wherein they have appointed Johannes Kip, Dirck Wessells, Henry Beeckman, Col Pierson, Cap^t Stillwell, Mr Whitehead, Mr Duxbury and Mr. Pell, or any five of them, to be a Committee to Establish the fees of all the Offices throughout this Province, and that they move the Governour and Council that a Committe of the Council be joyned with them and they call to their assistance all Persons and Papers that are needfull and to make returne thereof to this board munday morning next by Eight a Clock, which was considered &

Ordered, that Coll Nicholas Bayard, Steph V. Cortlandt, Chidley Brooke, Will^m Nicolls & Will^m Pinhorne Esqrs, or any three of them, be a Committe of this board to joyne with them accordingly and that they call unto to their assistance all person and persons that are needfull, and that a copy of this Ord^r be Delivered to Johannes Kip by Coll Nich Bayard that they may be in readiness to make returne accordingly And that Coll Bayard doe appoint the times and places of meeting.

At a Council held at ffort William Henry the 22th of Aprill, 1691.

PRESENT—

His Excellency THE GOVERNOUR,

JOS. DUDLEY,
FRED. PHILLIPS,
NICH. BAYARD,
STEPH. V. CORTLANDT, } Esqrs.

CHIDLEY BROOKE,
GABRIEL MONVIELE,
THOMAS WILLETT,
WILL^m PINHORNE, } Esqrs.

Mr Merritt, Mr Courtlandt, Mr Van Schaick & Mr Poline did waite upon his Excellency and Council with the Concurrence of their house to the Publicacōn of their Resolves agreed to by his Excell and the Council and desire that his Excell will be pleased to Order the publishing of them accordingly.

Ordered, they be forthwith Published by the Mayor of this Citty accordingly.

At A Council held at ffort William Henry the 23th of Aprill, 1691.

PRESENT—

His Excellency THE GOVERNOUR,

JOSEPH DUDLEY, }
GAB. MONVIELE, } Esqrs.

WILL^m PINHORNE, }
THOMAS WILLETT, } Esqrs.

William Pinhorne Esqr is appointed to attend the house of Representatives and to acquaint them of the necessity of an Order for the Support of the Judges of Oyer and Terminer and of the Superiour Court in this Province and that they would Please to Remember a former message from this board referring to Cap^t Kidd.

At A Council held at ffort Will^m Henry the 24th of Aprill, 1691.

PRESENT—

His Excellency THE GOVERNOUR,

JOS. DUDLEY,
FFRED. PHILLIPS,
NICH. BAYARD,
CHHD. BROOKE, } Esqrs.

WILL^m NICOLLS,
GAB. MONVIELE,
WILL^m PINHORNE,
THO. WILLET, } Esqrs.

Mr John Robinson and Mr Daniel Whitehead from the house of Representatives acquainted his Excellency in Council that their house had on the 15th Instant agreed to a method for settling of Courts of Judicature throughout this Province wherein they had payd that duty to their Matyes and to his Excellency as to leave the Commicōnateing and appointing of the Justices or Judges of those Respective Courts unto his Excellency, which was delivered to Mr ffarewell who was appointed to doe the Office of the Attorney Generall to their house, but as yet is not brought in, and that their house has always had that due regard to any message that hath come and particularly to that of Cap^t Kidd; that they referred the consideracōn thereof until the Revenue was Established, which has been ever since under the consideracōn of their house and is now before them.

At A Council held at ffort William Henry the 27th day of Aprill, 1691.

PRESENT—

His Excellency THE GOVERNOUR,

FFRED. PHILLIPS,
NICH. BAYARD,
STEPH. V. CORTLANDT, } Esqrs.

GAB. MONVIELE,
THO. WILLETT, } Esqrs.

A Bill from the house of Representatives Intituled, A Bill for the Establishing of Courts of Judicature for the ease and benefite of each respective City Towne and County within this Province agreed to by the said house and sent to this board for the Assent of his Excell the Govern^r and Concil, was read.

At A Council held at ffort William Henry the 28th day of Aprill, 1691.

PRESENT—

His Excellency THE GOVERNOUR,

FFRED. PHILLIPS,
NICH. BAYARD,
STEP. V. CORTLANDT,
CHIDLEY BROOKE, } Esqrs.

GAB. MONVIELE,
WILL. PINHORNE,
THO. WILLETT, } Esqrs.

A Bill from the house of Representatives Intituled, A Bill for the Settling Quieting and Confirming unto the Cityes Townes Mannours and freeholders within this Province their Severall Grants Patents and Rights Respectively, agreed to by the said house and sent to this board for the assent of the Govern^r and Council, was read.

A Bill from the house of Representatives Intituled, A Bill for the Quieting and Settling the disorders that have lately happened within this Province and for the Establishing and securing their Matyes present Government against the like disorders for the future, agreed to by that house and sent to this house for the Assent of the Governour & Council, was read.

Ordered, that Mr. Monviele & Mr Pinhorne doe wait upon the house of Representatives and recommend to them the Expediting of a Bill for regulating the Extravagancy of tradesmen and labourers wages that work by the day in this Province.

At A Council held at ffort William Henry the 4th of May, 1691.

PRESENT—

His Excellency THE GOVERNOUR,

JOS. DUDLEY,
FRED. PHILLIPS, } Esqrs.
NICH. BAYARD,

STEPH. V. CORTLANDT, }
CHIDLEY BROOKE, } Esqrs.
GAB. MONVIELE,

A Bill intituled, A Bill for quieting and settling the disorders that have lately happened within this Province and for the Establishing and Securing their Matyes present Government against the like disorders for the future, is assented unto by the Govern^r and Council with these Amendments, vizt—

(from the Crown of England) insteade of (from them) p 1, l. 8.

(from their Matyes their heirs and Successors) insteade of (from them) p 2, l. 5.

A Bill intituled, A Bill for Establishing Courts of Judicature for the Ease and benefite of each respective City Towne and County within this Province is assented unto by the Governour & Council with these Amendments, vizt—

That the Supreme Court be Limited to sit Eight dayes instead of five.

That the appeal from the Supreme Court be to the Governour and Council, instead of the high Court of Chancery consonant to their Matyes Lres Patents to the Governour.

That this Aet doe Continue in force during the terme of two years, as in the said Bill, and until the end of the sitting of the next session of Assembly after the Expiracōn of the sd two years.

A Bill intituled, A Bill for settling the Militia agreed to by the house of Representatives and sent to this board for the Assent of the Governour and Council, Read and assented to with those Amendments, vizt—

That the musters of the militia of the Citty and County of N. Yorke be reduced to the same number with the musters of the rest of the Countyes.

And for supply of the troops of horse for the Cityes of New Yorke and Albany it shall be in the power of Coll or Chief Officer of each Citty for the time being, whensoever any of the said troops shall not Compleate the number of fifty, to present double the number instead of such as are dead removed or wanting out of the principall Inhabitants and Gents of the Respective Citytes unto the Governour for the time being who from time to time may list and Order so many of them to be of the said Respective Troops as may Compleate the number of fifty for their Matyes service and the security of this Province.

That it be Provided, if the fines shall not amount to a Summe sufficient to defray the Charge of the Trophies the overplus be leyed upon the severall souldiers equally by warrant or ord^r of the Collonell or Chief Officer of the Regiment troops or Companies.

A Bill intituled, A Bill for the settling quieting and Confirming unto the Cityes Townes Mannours & freeholders within this Province their severall Grants Patents & Rights respectively, assented unto by the Govern^r & Council with those Amendments, vizt—

That as the King is barred so in the last proviso the Subject be also barred his right if he doe not Claime the same within the space of five years next after the date of this Bill & Saving for Orphans and persons beyond sea &c.

A Bill intituled, A Bill for the Enabling each respective Towne within this Province to Regulate their fences and highways and make prudentiall Orders for their peaceable & Orderly Improvement, agreed to by the house of Representatives and sent to this board for the Assent of the Govern^r & Council—Read & assented unto without Amendment and Coll Bayard Desired to Cary back the said five Bills with those minntes of Council in Order to have them agreed to by the Representatives, Engrossed & presented to His Excell^y to be Enacted.

At A Council held at ffort William Henry the 6th of May, 1691.

PRESENT—

His Excellency THE GOVERNOUR,

JOS. DUDLEY,
FRED. PHILLIPS, } Esqrs.
NICH. BAYARD,

STEPH. V. CORTLANDT, }
CHIDLEY BROOKE, } Esqrs.

The five following Bills were Enacted:

A Bill for Quieting and Settling the Disorders, &c.

A Bill for Establishing of Courts of Judicature, &c.

A Bill for Settling the Militia.

A Bill for Settling quieting and Confirming, &c.

A Bill for Enabling each respective Towne within this Province to Regulate their fences, &c.

An Address to their most Excellent Matyes from the Govern^r, Council and Representatives of this Province, Read before His Excell the Governour Council and the Representatives of this Province here present, was first signed by His Excey the Governour, then by the severall members of the Council and afterwards by the Speaker and the severall Representatives to be dispatched forthwith to their Matyes.

At A Council held at ffort William Henry the Eighth of May, 1691.

PRESENT—

His Excellency THE GOVERNOUR,

JOS. DUDLEY,
FRED. PHILLIPS,
NICH. BAYARD,
STEPH. V. CORTLANDT, } Esqrs.

CHIDLEY BROOKE,
WILL. NICOLLS,
WILL^m PINHORNE,
THO. WILLETT, } Esqrs.

Mr Pell, Mr Wessells, Alderman Kip, Mr Howell, Mr Whitehead, Mr Poling, Cap^t Demyre, Mr Ranslaer and Mr Duxbery attended His Excellency in Council and Read an address and Report of their house wherein they doe Complain that their Bills are delayed for want of the Attorney Generall to assist them in the drawing of them.

His Excellency Expressed himself Concerned that the business of that house should be retarded, told them that he had appointed the Attorney Generall to attend them and that he suffered him not to goe to Boston without their leave, that he believed it was the businesse of that house to Draw their own Bills but that he would advise concerning the same and notwithstanding would take care all help should be given them.

A Bill Declaring what are the Rights and Priviledges of their Matyes Subjects Inhabiting within their Province of New York, from the house of Representatives, was read.

Mr Courtlandt and Mr Brooke are desired to report unto the house of Representatives that His Excellency and Council are very sensible of their Industry in their Matyes and the Countreyes service; That His Excellency and Council hath been ready at all times to pass their Bills and that since the method of drawing of Bills is misunderstood, a Conference be had thereupon to morrow morning at Eight of the Clock.

At A Council held at ffort William Henry the 9th of May, 1691.

PRESENT—

His Excellency THE GOVERNOUR,

JOS. DUDLEY,
NICH. BAYARD,
STEPH. V. CORTLANDT,
CHIDLEY BROOKE,
WILL^m SMITH, } Esqrs.

WILL^m NICOLLS,
WILL^m PINHORNE,
GAB. MONVIELE,
THOMAS WILLETT, } Esqrs.

Mr Speaker, Mr Wessells and Mr Pell on behalfe of the house of Representatives did returne thanks unto his Excellency and Council for their great readiness at all times to passe such Bills as have been recommended to them and did offer to Conferr concerning the method of drawing of Bills.

Ordered, that Coll Dudley, Coll Bayard and Mr Nicolls be a committe of this Board appointed to meet with a Committe of the house of Representatives to be appointed to settle a method for Expediting and Examining y^e business of this Sessions of the Assembly, and that they sit at Mr Matthews at 2 of the Clock of the afternoon this day and that Mr Monviele doe forthwith waite upon the house of Representatives to acquaint them thereof.

At A Council held at ffort William Henry the 11th of May, 1691.

PRESENT—

His Excellency THE GOVERNOUR,

JOS. DUDLEY,
FFRED. PHILLIPS,
NICH. BAYARD,
STEPH. V. CORTLANDT, } Esqrs.

CHIDLEY BROOKE,
WILL^m SMITH,
GAB. MONVIELE, } Esqrs.

A Memoriall relating to the Revenue received and due by the former Acts, Delivered to this Board by Chidley Brooke Esqr Col^r, Read and *Ordered*, that it be presented to the Representatives by Steph. Van Courtlandt and the said Col^r for their Consideracōn.

Mr Courtlandt and Mr Merritt waited on his Excellency in Council and gave the humble and hearty thanks of the house of Representatives for the Great care he takes in preserving the peace and quiet of this Province, and to desire him to appoint the Council to Confer with their house upon what was recommended to their Consideracōn.

Mr Pinhorne sent to acquaint their house that His Excell & Council are in readynesse to receive them in ord^r to the said Conference.

At A Council held at ffort Will^m Henry May y^e 12th, 1691.

PRESENT—

His Excellency THE GOVERNOUR,

JOS. DUDLEY,
FFRED. PHILLIPS,
NICH. BAYARD,
STEP. V. CORTLANDT, } Esqrs.

WILL. PINHORNE,
WILL. NICOLLS,
THO. WILLETT,
COLL. SMITH, } Esqrs.

A Bill Declaring what are the Rights and Priviledges of their Matyes Subjects inhabiting within this Province of New Yorke, Assented unto by the Govern^r and Council with these Amendments, viz^t—

That five be instead of seaven a Quorum of the Council.

Freeholders to have Estate of freehold of fourty shill.

In the Clause concerning Baile to add, According to Laws & Customs of the Realme of England.

In the Clause of Billeting to add, Excepting Innholders and other houses of publick Entertainment who are to quarter for ready money.

In the Clause Concerning Liberty of Conscience, Provided allways that nothing herein mencōned or Contained shall Extend to give liberty for any persons of the Romish Religion to Exercise their manner of worship Contrary to the Laws and Statutes of their Matyes Kingdome of England.

And Coll Bayard Ordered to cary back the said Bill to the house of Representatives with the minute of those amendments for their Concurrence thereunto, in order to its being presented to the Governour to be Enacted.

At A Council held at ffort William Henry May the 13th, 1691.

PRESENT—

His Excellency THE GOVERNOUR,

JOS. DUDLEY, 1
FFRED. PHILLIPS, 2
NICH. BAYARD, 4
STEP. V. CORTLANDT, 3 } Esqrs.

CHIDLEY BROOKE, 6
WILL. SMITH, 5
WILL. PINHORNE, 8
THO. WILLETT, 7 } Esqrs.

A Bill for the Defraying the Publique and necessary Charge throughout this Province and for maintaining the Poor and preventing of vagabonds Read, Assented unto by the Govern^r & Council, Ordered to be Enrolled & Enacted.

A Bill for the Allowance of Representatives Read, Assented unto by the Governour and Council and Ordered to be Enrolled & Enacted.

A Bill for the Raising and Levying of two thousand pounds for paying and defraying the Incidentall Charges according to Establishment of one hundred fusileers with their Officers for one whole year, Read, Assented unto by the Governour and Council and Ordered to be Enrolled & Enacted.

A Bill to Enable the Citty and County of Albany to Defray their necessary Charge, Read, assented unto by the Governour and Council and Ordered to be Enrolled and Enacted.

A Bill Declaring what are the Rights & Priviledges of their Matyes Subjects inhabiting within this Province of New Yorke, Read, Assented unto by the Governour and Council with the Amendments inserted & Ordered to be Enrolled and Enacted.

Ordered, that Coll^o Willet doe forthwith attend the house of Representatives with the said five Bills and acquaint them that they are passed.

At A Council held at ffort William Henry, May the 14th, 1691.

PRESENT—

His Excellency THE GOVERNOUR,

JOS. DUDLEY,	1	} Esqrs.	WILL. SMITH,	4	} Esqrs.
FFRED. PHILLIPS,	2		WILL. NICOLLS,	7	
NICH. BAYARD,	3		GAB. MONVIELE,	5	
CHIDLEY BROOKE,	6				

A Bill for the Establishing A Revenue for the Defraying the Publick Charge of the Province, Read and assented unto by the Governour and Council with the Amendments following, viz^t.

To be added to the clause of Repayment for Exported wines and liquors: That the Exporter make Oath in the Custome house that the whole duty hath been paid for the said wines and liquors at their Importacōn; That there hath been noe fraud or mixture used to Increase the said Liquors to be Exported, and that thereupon he bring a Certificate from the Surveyor or Searcher that the said wines or Liquors are accordingly shipt.

Ordered, That Mr Pinhorne forthwith waite upon the house of Representatives with the s^d Bill and Deliver it and this minute for their Concurrence in order that it may be Enrolled and Enacted.

At A Council held at ffort William Henry, the 15th day of May, 1691.

PRESENT—

His Excellency THE GOVERNOUR,

JOS. DUDLEY,	1	} Esqrs.	CHIDLEY BROOKE,	6	} Esqrs.
FFRED. PHILLIPS,	2		WILL. NICOLLS,	7	
NICH. BAYARD,	4		WILL. PINHORNE,	8	
STEP. V. CORTLANDT,	3		GAB. MONVIELE,	5	

The house of Representatives attended His Excellency and Council & Mr Speaker in the name of the house Recommended to His Excellency and Council that a Proclamacōn issue forth for the Returne of all such who have deserted their habitacōns and to assure them of the free and full proteccōn of their Matyes Laws and Government.

A Bill to Enable his Excellency to Defray his Extraordinary Expense and to Indemnify the Collector and Receiver Generall for the Receipt of severall sumes of money on pretense of Customes and Duty, read.

At A Council held at ffort William Henry, the 16th of May, 1691.

PRESENT—

His Excellency THE GOVERNOUR.

FFRED. PHILLIPS,	1	} Esqrs.	GAB. MONVIELE,	4	} Esqrs.
NICH. BAYARD,	3		WILL. NICOLLS,	5	
STEP. V. CORTLANDT,	2		THO. WILLETT,	6	
WILL. PINHORNE,	7				

A Bill Intituled, A Bill to Enable His Excellency to Defray his Extraordinary Expense and to Indemnify the Collector and Receiver Generall for the Receipt of severall sumes of money on pretence of Custome and Duty, Read, assented unto by the Governour and Council & Ordered to be Enrolled and Enacted.

A Bill for the Pardoning such as have been Active in the late Disorders, &c., Assented unto by the Governour and Council and Ordered to be Enrolled and Enacted.

Att A Council held att ffort William Henry, the 26th of September, 1691.

PRESENT—

The COMMAND^r IN CHEIFE,

JOS. DUDLEY,
FRRED. PHILLIPS,
STEPH. V. CORTLANDT, } Esqrs.

NICH. BAYARD,
CHIDLEY BROOKE, } Esqrs.
THO. WILLETT,

The Bill for Dividing the Province into Shires & Countyes Read the third time, is Consented unto by this board with the following Amendments, viz^t:

Nutten Island and the three Oyster Islands to be added to the County of New Yorke.

In Lin. 2 p. 2, instead of Extends, to be added (at present extends).

The 2 Brothers and Huillett Islands to be added to Queens County.

The Bill for the Regulating the Buildings, Streets, Lanes, Wharfs, Docks and Alleys of the City of New Yorke, being Read the third time, is assented unto by this board with the following Amendments, viz^t:

Provided any Difference now Depending between the Mayor, Aldermen and Comonalty of this City and any fireholder therein be left to the Decision of this board or a Committe thereof for that purpose.

And that the other clauses Concerning buildings, Streets, Lanes, &c., be, of future surveys and Grants of Lands now belonging to the said City.

The Bill for the Regulating of Damages &c. being read the third time, was assented unto by this board with the Amendments following, viz^t:

Provided instead of Deceased, be added, late attained & Executed.

That the Judgements Obtained before the publishing of the Proclamacōn to avoid vexatious suites stand firme and good.

That Cap^t Jacobus V. Courtlandt be Chairman, instead of John Laurence and Mr Thomas Codrington be instead of Verfleck Commissōners of the City & County of N. Yorke.

That Injured persons beyond seas be barred from Claiming after one year, and the power of the Commissōners to Determine in One month after.

That the Persons standing out not beyond seas be obliged to returne within four months.

Att A Council held att ffort William Henry, the 28th of September, 1691.

PRESENT—

The COMMANDER IN CHEIFE,

JOS. DUDLEY,
FRRED. PHILLIPS,
STEPH. V. COURTLANDT, } Esqrs.
NICH. BAYARD,

CHIDLEY BROOKE,
GABRIEL MONVIELE, } Esqrs.
THOMAS WILLETT,

Vpon Reading the Adresse of the house of Representatives setting forth their sence of the Displeasure of Almighty God for their manifold sinns by the blasting of their corne &c.

Ordered, that the first wednesday in every month untill the month of June following be Observed and kept a *fast day* and that Proclamacōn be issued throught the Government to Enjoyne the strict Observacōn thereof and that all persons be inhibited any servile labour on the said dayes.

Major Monviele to Cary this minute to that house.

Att A Council held at ffort William Henry, the 29th of September, 1691.

PRESENT—

The COMMANDER IN CHEIFE,

JOS. DUDLEY,
NICH. BAYARD, } Esqrs.
CHIDLEY BROOKE,

MAJ^r MONVIELE, } Esqrs.
THOMAS WILLETT,

The house of Representatives having agreed to the Amendments of this board in the Bill for Regulating the Damages &c., the same was Enacted.

Ordered, the Bill for regulating the buildings, Streets, lanes, wharfs, &c., be sent back to the house of Representatives and that they be acquainted that the Commander in Cheife & Council doe not consent to it in manner and forme.

Chidley Brooke Esqr and Coll Willett desired to acquaint the house of Representatives concerning the sd two Bills.

The house of Representatives sent a report of a Committe of their house for the auditing of a Roll or Account of publick Rates due to Mr Merritt & others, amounting to the sume of four hundred, twenty-six pounds, seventeen shillings and four pence (which report they did approve of) for the approbacion of this board.

At A Council held att ffort William Henry, the 30th of September, 1691.

PRESENT—

The COMMANDER IN CHIEFE,

JOS. DUDLEY,
FFRED. PHILLIPS,
STEPH. V. COURTLANDT, } Esqrs.
NICH. BAYARD,

CHIDLEY BROOKE, }
GAB. MONVIELE, } Esqrs.
THOMAS WILLETT, }

Vpon Reading the Peticōn of the Merchants of New Yorke referred by the house of Representatives to this board,

Ordered, A Proclamacōn be forthwith issued prohibiting the Exportacōn of wheate from this Province and Dependancies.

A Bill for Raising one hundred & fifty men for the Defence of Albany for six months, read the third time & Enacted.

At A Council held at ffort William Henry, the first of October, 1691.

PRESENT—

The COMMANDER IN CHIEFE,

JOS. DUDLEY,
FFRED. PHILLIPS,
STEPH. V. COURTLANDT, } Esqrs.
NICH. BAYARD,

CHIDLEY BROOKE, }
GABRIEL MONVIELE, } Esqrs.
THOMAS WILLETT, }

The Bill for Dividing this Province & Dependancies into Shires and Countyes, Enacted.

Coll Willett Desired to acquaint the house of Representatives of the Resolution of this board to publish the three Acts passed this session and the two Proclamacōns Referring to the fast & Prohibiting the Exportacōn of wheat in grain out of this Province, this forenoon in Order to the adjournment of the Assembly unto the third tuesday of April next, being the nineteenth day thereof, which they Judge a Convenient time for the next session.

The Bill for regulating the buildings, streets, Lanes, Wharfs, &c., of the City of N. Yorke with the Amendments agreed to by the house of Representatives this day passed this board & Enacted.

At A Council held at ffort William Henry, the 2d of October, 1691.

PRESENT—

The COMMANDER IN CHIEFE,

JOS. DUDLEY, }
FFRED. PHILLIPS, } Esqrs.

STEPH. V. COURTLANDT, }
THOMAS WILLETT, } Esqrs.

An Account of the Expedicōn for Albany under Coll Dongan audited by a Committe of the Representatives, and their Report thereon being read,

Ordered, that said Report be referred till the next sessions of the Assembly and in the mean time Copyes thereof be allowed to Coll Dongans Attorneyes that they may have liberty to Object against the same.

The Commander in Chiefe & Council having under Consideracōn the Remnining part of the Rate raised for defraying the Charge of the Expedicōn to Albany und Coll Dongan standing out, amounting to Eleven hundred twenty nine pounds three shill. and six pence, Judge it Reasonable the same should be payd to the Officers Concerned and that it will be requisite a Bill be prepared this or the next Session for that purpose.

Vpon Applicacōn made by the Representatives of Albany and Esopus concerning a great benefite and advantage to the Revenue and trade of this Province by settling of Commerce with the Farr Indians as well as to Continue a peace with them,

Ordered, That the Magistrates of Albany and Esopus doe suffer six Christians from Albany and six from Sopus to accompany twenty-five Indians and noe more to proceed on the said march least our frontiers should be weakened And that the said Magistrates doe give them instructiōns of their manner of Treaty & time of Returne, which they are to Observe.

The Commander in Cheife Adjourned the Assembly untill the third tuesday in Aprill next, being the Nineteenth.

THE THIRD SESSIONS OF THE ASSEMBLY.

Att A Council held at ffort William Henry, the 20th of Aprill, 1692.

PRESENT—

The COMMANDER IN CHEIFE,

JOS. DUDLEY,
FFRED. PHILLIPS,
STEPH. COURTLANDT, } Esqrs.

NICH. BAYARD,
CHIDLEY BROOKE, 2 } Esqrs.
GAB. MONVIELE, 1 }

Maj^r Merritt and Cap^t Wessells came to acquaint his Honour and Council that now they were a full house and were ready to receive the Commands of this board for their Matyes service.

Whereupon Coll Courtlandt and Chid Brooke Esqr were desired to waite upon the Representatives and acquaint them that His Honour & Council were ready to receive them who came.

Jos Dudley Esqr. did signify unto them that the provision formerly made for the Defence of Their Matyes frontier Garrison at Albany is to be at an end the first of May next, that by the Blessing of God what provision they have formerly made hath proved successfull, that so soon as we shall have notice of the arriveall of any Govern^r to our neighbouring Colonyes from the Crowne, Care shall be taken to represent the great hardship upon this poor Province in raising and mantaining of a sulicient force for the Defence of that Garrison and the great interest and benefitt that doth accrue to all our neighbours thereby as well as the Honour and interest of their Matyes Crowne which is very much concerned in the Defence thereof, to Excite their aid and assistance, in the meantime it is chief business the Commander in Cheife and Council have to lay before you to make further speedy provision for the reinforcement of Albany.

Ordered, that pursueant to the promise of this board this day to the Representatives of this Province, Lres be prepared to be sent to Maryland, Virginea, Pennsylvania, & Boston accordingly.

Adjourned till morrow morning.

At A Council held at ffort Will^m Henry, the 21th of Aprill, 1692.

PRESENT—

The COMMANDER IN CHEIFE,

JOS. DUDLEY,
FFRED. PHILLIPS,
STEPH. COURTLANDT, } Esqrs.
NICH. BAYARD,
WILL^m SMITH, }

GAB. MONVIELE, }
CHID. BROOKE, } Esqrs.
THO. WILLETT,
THO. JOHNSON, }
JOHN LAURENCE, }

Mr Robinson & Maj^r Beeckman from the Representatives did attend this board to desire a list of the forces that have been employed for the securing of the frontiers at Albany and an Account of the Incidentall Charges.

Who were answered, that the Commissary was in Towne and the list of the forces & Account of the incidentall Charges should be forthwith prepared for their perusall.

Adjourned till morrow morning.

At A Council held at ffort William Henry, the 22th of Aprill, 1692.

PRESENT—

The COMMANDER IN CHEIFE,

JOS. DUDLEY,
FFRED. PHILLIPS,
STEPH. COURTLANDT, } Esqrs.
NICH. BAYARD,
GAB. MONVIELE,

CHID. BROOKE,
THO. WILLETT, } Esqrs.
THO. JOHNSON,
JOHN LAURENCE,

Mr Pell and Mr Van Schayck waited upon this board to signify that the house of Representatives could not proceed untill they had the list of the Fusileers employed at Albany with the Account of the Incidentall Charges that have accrued thereon; which was again immediately ordered to be dispatched.

Coll Courtland, Coll Bayard & Chid Brooke Esqr are appointed a Committe forthwith to auditt the Accounts of the 3 Comp^{es} of fusileers late at Alb.

Adjourned till morrow morning.

At A Council held at ffort William Henry, the 23th of Aprill, 1692.

PRESENT—

The COMMANDER IN CHEIFE,

JOS. DUDLEY,
FFRED. PHILLIPS,
STEP. COURTLANDT, } Esqrs.
NICH. BAYARD,

WILL^m SMITH,
GAB. MONVIELE, } Esqrs.
THO. WILLETT,
THO. JOHNSON,

Coll Bayard and the rest of the Committe appointed to audite the Accounts of the three Companies of fusileers, gave their returne under their hands which was read and approved and Coll Willett desired to Deliver the same to the Representatives in order to their proceeding for the reinforcement of Albany.

Adjourned till Monday morning.

At A Council held at ffort William Henry, the 27th of Aprill, 1692.

PRESENT—

The COMMANDER IN CHEIFE,

FFRED. PHILLIPS,
STEPH. COURTLANDT, } Esqrs.
NICH. BAYARD,
GAB. MONVIELE,

CHID. BROOKE,
WILL^m NICOLLS, } Esqrs.
THO. WILLETT,
JOHN LAURENCE,

Mr Courtlandt and Mr Van Schayck from the house of Representatives having presented to this board the Report of A Committe of their house upon the audite of the Accounts of the three Companies of fusileers wherein they disallow of Sundry Charges which were approved off by the Council,

Ordered, that Coll Courtlandt Coll Bayard Lt Coll Monviele & Chidley Brooke Esqr be a Committe of the Council appointed to Confer with the Committe of the house of Representatives Vpon the Charges Controverted.

This board having under Consideracōn that by the Act of Assembly for the 150 fusileers now at Albany they are to be discharged on the first of May next and that the new levyes cannot arrive at Albany in lesse then four weeks in which time the garrison remaineth unprovided and may be assaulted and destroyed by the Enemy.

Resolved, it is Convenient, On Consideracōn that many of the fusileers are farmers sons and planters who suffer great inconveniencies at home as well as the hardships abroad in the service and that the Commander in Cheife for their Encouragement did promise when they went up the river they should be punctually disbanded with their pay on the first of May for the present support of that Guarrison That every fusileer who will voluntarily remaine at Albany in armes One month next after the first of May following be payed a P^s of $\frac{2}{3}$ in hand and have his full pay for the sd month and be discharged at the Expiracōn thereof & the Officers to have their pay Continued the sd month.

Ordered, Coll Courtlandt to advise the house of Representatives of this Resolution for their Consent.

Mr Van Schayek and Mr Ranslaer from the house of Representatives doe returne that they approve of the Resolution of this board concerning the Continuacōn of the fusileers at Albany one month until the new forces for the reinforcement of that Garrison can be there, and pray that it may be put in Execution accordingly

Jacobus Courtlandt, John Pell, William Demyre &c did waite on this board with a Bill from the house of Representatives intituled, A Bill for the raising of two hundred men with their proper Officers for the securing and Reinforcing of Albany in the frontiers of this Province, which was read the first time.

Adjourned till afternoon.

Postmeridiem.

PRESENT—

The COMMANDER IN CHIEFE,

FRED. PHILLIPS,
STEPH. COURTLANDT, } Esqrs.
NICH. BAYARD,

GAB. MONVIELE, }
CHID. BROOKE, } Esqrs.
THO. WILLETT,

The Bill of the 200 men read the second time.

This board finding that the money to be raised by the said Bill falls short of the pay of the 200 men with their proper Officers besides the necessary incidentall charges that must acerne,

Ordered, that Coll Courtlandt, Coll Bayard, Liev^t Coll Monviele, Chidley Brooke & William Nicoll Esqrs be a Committe of the Council to signify the same unto the Representatives and to have a Conference thereon and of some other amendments in the said Bill, with a Committe of their house to be thereunto appointed.

Adjourned till to-morrow morning.

At A Council held at ffort William Henry, the 28th of Aprill, 1692.

PRESENT—

The COMMANDER IN CHIEFE,

FRED. PHILLIPS,
STEPH. COURTLANDT, } Esqrs.
NICH. BAYARD,
GAB. MONVIELE,

WILL^m NICOLLS, }
THO. WILLETT, } Esqrs.
JOHN LAURENCE,

This board having under Consideracōn the Act intituled, An Act to Enable his Excell &c. doe recommend unto the house of Representatives to prepare an Explanatory Bill thereof and particularly of that part which relates to the Customes of the months of May and June 1659, and that provision may be made that it be converted to the use formerly intended, viz^t. for the defraying the Charges of the City, fortificacōns, & Coll Bayard Desired to waite upon them with this Recommendacōn.

Mr Duxbury brought in a Bill from the house of Representatives for destroying of Wolves which was read the first time.

Adjourned till 9 a clock next morning.

At A Council held at ffort William Henry, the 29th of Aprill, 1692.

PRESENT—

The COMMANDER IN CHIEFE,

FRED. PHILLIPS,
STEPH. COURTLANDT, } Esqrs.
NICH. BAYARD,

GAB. MONVIELE, }
THO WILLETT, } Esqrs.

Coll Nich Bayard Chairman of a Committe of both house appointed to Confer upon the Bill for the raising of two hundred men &c, gave in their report, which was read and approved of and *Ordered* the Amendments and the addicōns therein be annexed to the Bill and that Coll

Courtlandt doe deliver the same to the house of Representatives for their consent and approbacion, that it may be amended accordingly and forthwith Enacted.

The Bill for destroying of Wolves being read the second and third time was Consented unto by the Command^r in Cheife & Council without Amendment, and Ordered to be Enrolled and Enacted.

Coll Bayard Chairman of the Committe appointed by both houses to Conferr of the Charges of the three Companies of fusileers in regard of the Shortnesse of time on behalfe of the said Committe, prayed it might be delayed till the next Sessions of the Assembly.

Which is agreed unto by this board.

Coll Nich Bayard alsoe on behalfe of the sd Committe Offers a proposall to have some of the troops of Militia horse broake for some time that they may be Obliged to serve on foot for the ease of the poorer sort of people.

Which proposall was Ordered to be recommended to the house of Representatives for their Consideracion that some method may be found to make them lyable to Detachment for Albany in foot service notwithstanding any clause in the Act of the Militia to the Contrary. Coll Willett to acquaint the Representatives thereof.

Jacobus Van Courtlandt & Maj^r Merritt presented unto this board an Address from the Representatives to the Commander in Cheife & Council for an order to the Officers of the Government to take moderate fees for their services until a regulacōn be agreed upon, which was read.

Adjourned till 4 a clock afternoone.

Postmeridicm.

PRESENT—

The COMMANDER in CHEIFE,

FFRED PHILLIPS,
STEP COURTLANDT,
NICH BAYARD,

} Esqrs.

GAB MONVIELE, }
THO WILLETT, } Esqrs.

Alderman Kipp, M^r Ranslaer, Cap^t Demyre, M^r. Dorland & Maj^r Merritt returned the Bill for the raising of two hundred men, unto this board with the minute of the house of Representatives containing their Consent to the additions & amendments in the said Bill, it being amended accordingly.

The said Bill being read the third time was Ordered to be Enrolled and Enacted.

Ordered, that Leiv^t Coll Monviele doe acquaint the house of Representatives that the Bill for the raising of the 200 men, as amended and approved off by them when last returned, is Ordered to be Enrolled and Enacted.

And that the Peticōns and Adresse of the Committes concerning the fees are taken unto further advisement, and that they attend this board in order to be adjourned.

The house of Representatives having desired a Committe of the Council may be appointed to Examine into the State of the Revenue sometime before the next Sessions of Assembly, being joyned with a Committe of their house that some effectuell Care may be taken to remedy its being for the future Exhausted,

Ordered, that Coll Courtlandt, Coll Bayard L^t Coll Monviele & Chidley Brooke Esqr be a Committe for that End, to joyne the Committe of the house of Representatives to be thereunto appointed.

The Commander in Cheife showed unto the Representatives some L^res of intelligence come from Albany, wherein is set forth an urgent necessity to preserve & Confirme the Indians, and let them to understand that he believed himself obliged forthwith to goe thither in person and desired they would Consider of some Expedient to procure Credit for five or six hundred pounds, the Revenue being Exhausted by the great and manifold Charges accruing during the Warr, and the trade being much decreased.

So many of the Representatives as were present being tenne and the Speaker, did returne under their hands Representing that their present number and Circumstances could not admit of a suitable Remedy, but that it is their Opinion that a Credit should be raised for a present to the Indians and that if upon Examinacōn by the Committes of both houses they did find the Revenue insufficient to Defray the same, they will Establish a proper fund to satisfy the said Credit, with the interest that shall arise thereon, the next Sessions of the Assembly.

The Commander in Cheife gave thanks to the house of Representatives for what Care they had taken in the reinforcing of Albany, and Adjourned the Assembly till the third tuesday of August next Ensuing being the 16th of that Month.

THE FOURTH SESSIONS OF THE 1 ASSEMBLY.

At a Council held at ffort William Henry, the 17th of August, 1692.

PRESENT—

The COMMANDER IN CHEIFE,

FFRED PHILLIPS,
STEPH. CORTLANDT,
NICH. BAYARD,
GAB. MONVIELE,

} Esqrs.

CHIDLEY BROOKE,
WILL^m NICOLLS,
THO. JOHNSON,
JOHN LAURENCE,

} Esqrs.

Maj^r Howell & Capt Whitehead waited upon this board from the house of Representatives to know what business is to offered for their Maties service.

Resolved, that Coll Bayard and Chidley Brooke Esqr doe waite upon the house of Representatives to returne the thanks of this board for their readynesse and to acquaint them that the Commander in Cheife and Council doe now waite their presence to receive what they have to offer for their Maties service.

Pursuant to an order of Council of the 14th of July, 1692, the Committe appointed to examine the Condiçon and State of the Revenue and what may be proper to be Offered to the Representatives for their Maties service made their returne, the matter whereof was that to defray the debts of the Government already contracted and for the necessary Charge of the Defence of Albany the Winter ensuing, there will be 7500.£ required to be forthwith raised which they believe proper to be offered to their consideracõn.

The Representatives attended the Council board as desired and the Commander in Cheife made the following speech to them viz^t

Gentl. I did Expect before this time to have mett with the settlement intended by their Maytes for this Governm^t, but that being not yet arrived the Care thereof continues still with me. I doe therefore acquaint you that by the advice of the Council I went to Albany in the Spring, where I found great disorder, the people discontented and all the ffortificacõns out of repair; the Indians weary of the Warr and all the Outsettlements forsaken; for remedy whereof I did reinforce Schenectady with thirty men, and guarrisoned the half-Moon with fourty men more. I found it likewise necessary that there should be a guarrison at Connestaguioena, but could not effect it for want of men, the two hundred agreed on by Act of Assembly falling short neer fifty of their Complement, soe that place tho' of as great import as any now wholly deserted; in my negotiations with the Indians I found them very difficult and much inclined to a peace; however with great industry I have reclaimed them and doubt not but have made them firm and stedly to us untill wee have direccõns from England, as you will perceive by their propositions now ordered for yo^r perusall. This Expediçon hath cost neer 1000.£ and there not being money in the publick coffers, was forced as the Councill and you advised, to raise the sume of neer 800.£ at ten^p Cent Interest. I must therefore, Gentlⁿ remind you of yo^r Promise and recommend to your Care the settling of a fund for the speedy defraying of this Charge, that our Credit^t may be preserved, for if you should now either fail or be dilatory in yo^r promise, It would prejudice our reputacõn forever.

Gentl. I am sorry to tell you that the Lawes you have made for the Security of the Province are soe little regarded by the people, that of all the money that you have raised there has not yet been payd above £1625.16^s and the Pay of the fforces actually employed in the service doth amount to £3500. This matter, Gentl. I must earnestly recommend to your diligent consideracõn, for it will be a vain thing to make Laws if they cannot be effectually Executed. A Law without Execucõn is like a body without a Soul, and it is likewise Impossible for me to secure the ffrontiers if there be noe money to pay the Souldiers you appoint for that service. I have heitherto with advice of the Council borrowed money for that purpose that the reputacõn of the Government might not sinck, Expecting that the Levyes would come in for the reimburseing of it, but that now failing, am afraid shall not have the like Credit^t for the future. Therefore, Gentl. as it is the people that are defective herein and as you are their Representatives you will doe well to make strict inquiry into the Cause of such neglect, for we are the first Government that ever had an Assembly of the people and had their Laws thus disesteemed.

Gentl. I have many things further to recommend to your consideracõn, but am afraid you will not have time this Sessions to Accomplish them; shall therefore only Confine myselfe to that only necessary, the securing the frontiers at Albany. You are not insensible that the levyes you appointed for that service Expires upon the first of October next and how advantagious it is for yo^rselves aswell as for all their Matyes Subjects in our neighbouring Plantacõns, that that place should be well secured. I need not tell you I am of Opinion that there must be at least 300 men to secure it this winter. I hope therefore you will take effectuall Care to make such suitable provision for the securing the ffrontiers that the seat of the Warr may continue remott

from us and that there may be noe more disappointments in what you intend, but what proposed by you effectually Executed according to your Intent; the Charge of the 300 men will amount neer 3500.£.

Gentl. I must also minde you that upon strict Examinacon and inquiry the debts of the Government upon the 25th of March past (all the Revenue Expended) doe amount to 3000.£.

Gentl. I have found you always ready to joyn with me in things needfull for their Matyes Service, soe that I hope I shall not need to use any arguments to perswade you to provide for those sumes and despatch those matters soe necessary for yo^r own preservacon.

Adjourned till thursday the first of September, 1692.

At a Council held at Newyorke the first of September, 1692.

PRESENT—

His Excell BENJ FLETCHER, Govern^r &c.,

FFRED PHILLIPS,
STEPH COURTLANDT,
WILLIAM SMITH,
GAB MONVIELE,
CHIDLEY BROOKE, } Esqrs.

WILLIAM NICOLLS,
THOMAS WILLETT,
JOHN LAURENCE,
3 NICOLAS BAYARD, } serè venit.

His Excell being informed that the Assembly was sitting to provide for the frontiers against next winter, proposed to speak to the Representatives.

Ordered, William Nicolls Esqr doe waite upon the house of Representatives to give them notice of *His Excell^s* inclinations to speak with them and that he expected their presence forthwith.

The whole house of Representatives accompanying James Graham Esqr their Speaker, attended *His Excell* in Council to waite his commands. *His Excell* gave them to understand that forasmuch as the Defence of the frontiers at Albany (which is the matter of greatest import already laid before them and under their Consideracon his late arriveall And the pressing Consideracon of a speedy Expedicón did Oblige them to nrge their despatch of that affair and that they would inquire into the Causes of the decay of trade and the poverty of the people to finde out some suitable remedy; That he understood there were severall sumes of money taken up upon the Creditt of the Government at the Interest of tenne ^p Cent which is an Extraordinary interest and soon out doe the principle; That they would therefore consider of the speedy payment thereof and of a supply for the fortifying and securing of our ffrontiers which he is informed are almost quit ruinated; Professing his Readynesse to assist them in the face of the greatest danger in anything to his power that might tend to their Maties interest and the welfare of this their Province and the Inhabitants thereof.

The Council adjourned till fryday the 2^d of September, 1692.

At A Council held at ffort William Henry, the 2^d of September, 1692.

PRESENT —

His Excellency BENJ FLETCHER, Govern^r &c.,

FFRED PHILLIPS,
NICH BAYARD,
WILL SMITH,
GAB MONVIELE, } Esqrs.

CHIDLEY BROOKE,
WILLIAM NICOLLS,
THOMAS WILLETT,
JOHN LAURENCE, } Esqrs.

His Excell did Offer that Whereas he did understand some scruples are moved in the house of Representatives whether being called by the late Governour Sloughter (*His Excell* being arrived as another Govern^r from their Maties) they are a lawfull Assembly and the Debates thereupon did Impede the Expediting of other affairs of moment before them for their Matys service;

Desiring the advice and Resolution of this board therein,

Resolved, Nemine contradicente, that this Assembly being continued from time to time by severall adjournments and Prorogations is now a lawfull Assembly.

Ordered, that William Nicolls Esqr doe wait upon the house of Representatives to acquaint them of the Resolve of his Excell & the whole Council concerning the lawfulnessse of the present Assembly, and to Exhort them to admitt of noe loss of time in their Matye affairs.

His Excellency did likewise offer the draft of An Act against Privateers & Pirats recommended unto him by their Maties, in order to be Enacted by the Assembly of this Province; which was approved and Ordered to be delivered by the said William Nicolls Esqr to the Speaker for the Assent of the house of Representatives.

Adjourned till the 3^d of the next following.

At A Council held at ffort William Henry, the sixth of September, 1692.

PRESENT—

His Excell BENJ FLETCHER &c.,

FFRED PHILLIPS,
STEPH COURTLANDT,
NICH BAYARD,
GAB MONVIELE,
CHID BROOKE, } Esqrs.

WILL NIGGELS,
THOMAS WILLETT,
THOMAS JOHNSON,
JOHN LAURENCE, } Esqrs.

The house of Representatives, James Graham Speaker, presented their Address to *His Excell*, viz:

To *HIS EXCELLENCY*,

By order of the house of Representatives for the Province of Newyorke,

The humble Address of the house of Representatives.

May it please Yo^r Excellency,

Wee their Matyes most loyall Subjects the Representatives convened in Generall Assembly doe with all humnility, cheerfulnessse and true affection, Congratulate Yo^r Excell^s arrivceall in this Yo^r Government And wee doe, with all submission, give Our sincere acknowledgements to our most gracious God for the preserving Yo^r Excell in the many hazards to which Yo^r Excell was Exposed in Yo^r late voyage and as we have received so large a testimony of Yo^r Excell good iutentions for the good of this Government soe we cannot but with all dutifulnesse Declare that We will to the Outmost of our Capacitys Concurr with Yo^r Excell in all things that may be needfull for their Matyes service.

May it further please Yo^r Excellency

We are truly greived that in soe bright a day as yo^r Excellency's appearance amongst us, Wee are constrained to cloud it with acquainting yo^r Excell that the present state of this Province is unhappily circumstanced being Engaged in an Expensive Warr at a time when the Revenue is Exhausted, the Government considerably indebted and the Levyes lately made necessary for the Defence of the Province unpaid, the people much impoverished by the late disorders and many of them soe Debaunched in their affeccōns to their Matys Government that in lieu of being helpfull they have rather contrived to disturb it, all which has reduced us to such a posture as that Wee are not able to Exprese soe sensibly as we ought that gratitude we ow yo^r Excell for accepting their Matys favour of Governing us, but. May it please Yo^r Excell, since you come with hailing under yo^r wing and soe well stored with your Matys grace and mercy to the late disturbers of Our peace & tranquillity, We doe not in the least doubt but it will have an Effect answerable to its meritt and influence all the malecontents soe farr as to make them forsake their disobedience and returue unto their duties and heartily unite and joyne with us in the support of Yo^r Excell in this their Matys Government. And we doe now give Yo^r Excell full assurance that as we have alwayes manifested Our sincere affections unto their Matys true interests by Our Vnanimous assent to all things recommended to us for their Matys service, soe that we will not now fail but with Our lives and fortunes Support Yo^r Excell Administracōn of this their Matys Government over us, and We doe not in the least doubt since it hath pleased their Matys to have such regard to us as to Establish Yo^r Excell soe eminent in their service for Yo^r cōrage, prudence and Conduct, but to defeat all the desigus of Our Enemies and have this Government reduced to such quiet by Yo^r Excell's prudent management as that from henceforth We Shall date the Prosperity of this Province from the day of Yo^r Excell's arrivceall. And

May it Please Yo^r Excell

We the Representatives are so sensible thereof that We become humble suitors unto the Gentl. of the Councils that they would be pleased to appoint some of their board to Conferr with some of Our house to Adresse their Matys with Our most humble acknowledgements and hearty thankfullnesse for their most gracious favour in placing a person at the helme of their Government here that is truly indued with Excellent moralls and other Innumerable virtues, And We shall Continually make Our Supplicacōns unto the most High God, by whom Kings Reigne and Princes decree Justice, for the long preservacōn of their Matys lives and Reigne Over us And that Yo^r Excell may live long in all prosperity and happinesse and rule and Governe this people to the Glory of God, the honour of their Matys and to Yo^r Excell Eternall renown.

By ord^r of the house of Representatives,

JAS. GRAHAM, Speaker.

Ordered, that Col^r Bayard and Will^m Nicolls Esqr be a Committe of this board to joyne a Committe of the Representatives thereunto to be appointed to Concerte of drawing an Addresse to their Matys with all Expedicōn.

Ordered, that Thomas Willett Esqr doe acquaint the house of Representatives of the Committe appointed and desire them to appoint their Committe accordingly.

Adjourned till morrow morning.

At A Council held at ffort William Henry, the 7th of September, 1692.

PRESENT—

His Excell BENJ FLETCHER,

FFRED PHILLIPS,
NICH BAYARD,
GAB MONVIELE,
CHID BROOKE, } Esqrs.

WILLIAM NICOLLS,
THO WILLETT,
THO JOHNSON,
JOHN LAURENCE. } Esqrs.

Vpon reading a messuage from the house of Representatives whereby they desired to have the Bill for Probate of Wills and the Table of fees to be passed,

The Table of fees and Bill for Probate of Wills were read the first time.

Ordered, that Col Courtlandt, Col Bayard and William Nicolls Esqr be a Committe to Examine the Table of fees and make such alteracōns as they shall judge propper, of which they are to make report friday morning.

Maj^r Pell, Col Pierson, Mr. Robinson, Mr. Van Schayek, Cap^t Courtlandt & Cap^t Demyre from the house of Representatives did notifye that they are appointed a Committe of the house of Representatives to joyne the Committe of the Council to Concerte of an Addresse to their Matys.

Adjourned till Eight a Clock morrow morning.

At A Council held at ffort William Henry, the Eighth of September 1692.

PRESENT—

His Excell BENJ. FLETCHER &c.,

FFRED PHILLIPS,
STEPH COURTLANDT,
NICH BAYARD,
GAB MONVIELE,
CHIDLEY BROOKE, } Esqrs.

WILL^m NICOLLS,
THO WILLETT,
THO JOHNSON,
JOHN LAURENCE, } Esqrs.

The Bill for the raising of two hundred and twenty men,

Ordered, to be read the second and third time.

The Bill for the Raising & paying of Eighty men in the Countyes of Vlster & Dutchesse Countyes,

Ordered, to be read three times And assented unto by the Governour & Council with this additionall amendment viz^t (And be it further Enacted by the authority aforesd, that if any Officer or Officers Civil or military within the said Countyes shall neglect, refuse or delay to performe and Execute the severall and respective Articles and Clauses of this Act according to the true intent and meaning thereof, shall be lyable to such penalties respectively as are in Case of such refusall, neglect or delay, Provided in the Other Act of this Sessions of Assembly, intituled, An Act for the raising and paying of two hundred and twenty men &c.

Ordered, the Bill concerning the Probate of Wills and Table of fees, be layd aside.

Col Pierson &c from the house of Representatives delivered a messuage wherein they alleage they have performed those affairst that are most necessary before their Consideracōn & desire to be dismissed.

Ordered, Col Willet and John Laurence Esqr doe attend the house of Representatives to acquaint them of the assent of his Excell & Council to the Bill for Eighty men from Vlster and Dutchesse Countyes, with the minute of addicōns annexed;

And that they alsoe doe recommend to them the care of providing for the payment of the arrearages of the former taxes, to preserve the Credit of the Government and for a present subsistence for the 220 men with the payment of the debts of the Government.

The Bill agst Pirates and Privateers *Ordered* to be read the first time.

Adjourned till morrow morning.

At A Council held at ffort William Henry, the 9th of September 1692.

PRESENT—

His Excell BENJ FLETCHER &c

FRED PHILLIPS,
SEPH COURTLANDT,
NICH BAYARD,
GAB MONVIELE,
CHUD BROOKE,

} Esqrs.

WILLIAM NICOLLS,
THOMAS WILLETT,
THOMAS JOHNSON,
JOHN LAURENCE, } Esqrs.

Resolved, Nemine contradicente, that it is requisite His Excellency doe dissolve this Assembly And that writs issue forthwith for the Eleccōn of New Burgesses upon their agreement to the Bills now before them for the Defence of the frontiers at Albany this following winter.

Ordered, the Bill agst Pirates and Privateers be read the second and third time.

The Bill against Pirates and Privateers being three times read, is assented unto by the Governour and Council, without amendment.

Maj^r Beekman &c presented an Adresse from the house of Representatives to the Govern^r & Council, viz^t

House of Representatives for the Province of New Yorke,
Die Veneris, A. M. 7^{ber} 9th 1692.

To HIS EXCELL & COUNCIL,

The humble Adresse of the house of Representatives Convened in Generall Assembly.

The Representatives being sensible of the great inconveniencies that have happened to the Governm^t through the neglect that hath been in the Collecting and paying the Levyes lately made for the reinforcement of the frontiers of this Province at Albany, whereby the reputacōn of the Governm^t hath suffered and those Subjects employed in the service much discouraged, doe therefore think it needfull and humbly pray that His Excell would forthwith issue out his Warrants to the respective Justices of Each respective County within this Province that they doe order the Respective Collectors of each Respective County to pay unto their Matys Receiver Generall all the arrearages of the Levyes appointed as aforesaid at such a Certain day which his Excellency shall appoint and upon default thereof to Cause and Execute with the uttermost severity all the penaltys appointed by the respective Acts of Assembly.

Ordered, that Cap^t Whitehead, Cap^t Stillwell and Maj^r Beekman cary up this Adresse to His Excell & Council and acquaint them that upon the report of a Committe of this house appointed to examine the arrearages of the Levyes the defects that have been therein and the incidentall Charges thereof, they doe finde when the arrearages are duely paid to their Matys Receiver Generall there will be, after the Officers and Soldiers are paid that have been effectually employed in the reinforcement of Albany, and the incidentall Charges thereof, a surplusage of 925^l 2^s 11¹/₄^d Which this house humbly pray may be appropriated and paid to such persons as have advanced money for the defraying the Charge of the late Expeditōn to Albany.

By order of the house of Representatives,

JA : GRAHAM, Speaker.

Vpon the reading of the above Address,

Ordered, that Warrants be prepared accordingly and that the 29th of September instant be assigned for the payment of the sd arrearages And that the surplusage of £925: 2^s: 11¹/₄^d be appropriated for the defraying of the Charge of the late Expeditōn to Albany.

Cap^t Howell, M^r Robinson & Cap^t Demyre presented the answer of the house of Representatives to the messuage by Col Willett & John Laurence Esqr of the eighth instant viz^t

House of Representatives for the Province of New Yorke,
Die Veneris A. M. 7^{ber} 9th 1692.

Vpon reading a messuage brought by Col Willett & M^r Laurence from his Excellency & Council,

Ordered, that Cap^t Howell, M^r Robinson & Cap^t Demyre doe waite upon the Governour & Council & acquaint them that this house, pursuant to his Excellencies directions, had taken Effectuall Care that the arrearages of the Levyes should be forthwith collected which doe amount to the sume of 3371 £ and that they had alsoe Ordered a tax to be levyed for the reinforcement and security of Albany which with the Charge of the County of Vister does amount to the sume of 3260 £ both which sumes in the whole amount to the sume of 6631 £.

the arrearages in probability must be payd in a month and the residue by the first of Aprill next which is thought to be as great a burthen as the inhabitants at this juncture are well able to bear, soe are not capable at this time to make any more levyes for the defraying of the other debts of the Government. And it is likewise thought, that if there were an additionall duty now established upon trade the season of the winter being soe neer that it would freighten away the few vessells we expect and thereby lessen the revenue rather than advance it, but that in due time the debts of the Government may be duely paid, We humbly pray they would appoint Auditors to inspect the proper and just debts of the Government and make a true and perfect state thereof, that in the next Assembly there may be a fund Established for the payment of them and that there be a Computacōn of the necessary Charge of the Government likewise stated, that the Certaine Income of the Revenue may not for the future be Exhausted, and also that there may be a Certain method for the equall & proporconable assessing of subsidies, We doe pray that His Excell would appoint Commicōners in each respective County for the making an Estimate of their Estates, that for the future there may not be such uncertainties; And this house is further of Opinion that we being now under a regular settlement by their Maties authority to his Excell, that there will not be Occacōn for the raising a Creditt or fund for subsisting the 220 men in regard there is already the Creditt of the whole Province ingaged for it by that Act which if duly executed, as we doe not in the least doubt being now under his Excellencies Care, will sufficiently answer any person or persons that does undertake the subsisting of the 220 men aforesd.

By ord^r of ye house of Representatives,

JA : GRAHAM, Speaker.

His Excell & Council doe Agree to the severall propositions made by the house of Representatives.

Ordered, William Nicolls Esqr from this board doe desire the house of Representatives to Expedite the bills before them in order to attend His Excell and Council this afternoon and acquaint them that this board hath agreed to their severall propositions, that His Excell will issue Warr^{ts} to the Justices for the paym^t of the arrearages, will take care to have a list of the debts of the Government and of the Charge thereof annually, and by the advice of the Council appoint Commicōners for the making an Estimate of Estates in the severall Countyes accordingly.

Adjourned till three of the Clock afternoon.

Afternoon.

PRESENT—

His Excell BENJ FLETCHER &c.,

FFRED PHILLIPS,
STEPH COURTLANDT, } Esqrs.
GAB MONVIELE, }

CHID BROOKE, }
THO JOHNSON, } Esqrs.
JOHN LAURENCE, }

The House of Representatives returned the three bills praying they may be Enacted under his Excell hand as usuall.

Adjourned till morrow morning.

At A Council held at ffort William Henry, the 10th of September 1692.

PRESENT—

His Excell BENJ FLETCHER &c.,

FFRED PHILLIPS,
STEPH COURTLANDT, } Esqrs.
NICH BAYARD, }
CHID BROOKE, }

THO WILLET, }
THO JOHNSON, } Esqrs.
JOHN LAURENCE, }

His Excell signed the three bills and ordered them to be Enrolled as usuall.

Ordered, Thomas Johnson Esq. doe Desire the Representatives to attend His Excell in Council.

His Excell being attended with the Assembly and Mayor & Aldermen, proceeded to the Citty hall to publish the Acts of this Sessions of Assembly.

Adjourned till 2 a clock afternoone.

Postmeridiem.

PRESENT—

His Excell BENJ FLETCHER &c,

STEPH COURTLANDT, }
 NICH BAYARD, }
 CHID BROOKE, } Esqrs.

WILL^m NICOLLS, }
 THO WILLET, }
 JOHN LAURENCE, } Esqrs.

His Excell prorogued the Assembly to the fourteenth of this instant and Ordered that Col Willet and John Laurence Esqr doe acquaint the house of Representatives that his Excell hath prorogued the Assembly to the fourteenth of this instant September.

[New York Col. MSS. XXXVIII., 193.]

WILLIAM and MARY by the Grace of GOD, of England, Scotland, France and Ireland KING & QUEEN, Defenders of the faith, &c.

To all Our Loving Subjects the freeholders and Inhabitants of our Province of NEW YORK and the Territoryes Depending thereon in America—

GREETING :

A PROCLAMATION.

WHEREAS by Our writts of the 21th day of March in the third year of Our Reigne, Wee did call a General Assembly of the Inhabitants being freeholders within this Province which hath been continued from time to time by severall Adjournments & Prorogations untill this day; And WHEREAS the Representatives of the severall Cityyes & Countyes throughout this Province have prayed to be dismissed, Wee being given to understand by His Excellency BENJAMIN FLETCHER Esq Our Captain Generall & Governour & the Council of Our said Province that it will be for the greater ease & benefite of Our said Subjects that there be a new Assembly & a more free choice of Representatives to Assist Our said Captain Generall & Governour & Council in a Generall Assembly for this Province, have hereby *dissolved* the present Assembly And the present Assembly is hereby DISSOLVED from henceforth, Any former adjournment & prorogation by our s^d Capt. Gener^l with the advice of Our Council afores^d notwithstanding.

IN TESTIMONY WHEREOF, We have Caused the Seal of Our Province aforesaid to be hereunto affixed: *Witness*, BENJAMIN FLETCHER Esq. Our Captain Generall & Governour in Cheife of Our Province of N. Yorke aforesaid at fort WILLIAM HENRY this 13th day of September, In the fourth year of Our Reigne, Annoq Domini 1692.

M. CLARKSON.

SECOND ASSEMBLY: 1st SESSIONS.

His Excell by and with the advice and Consent of the Council having issued out Writts for a choice of Representatives returnable the 24th of October, 1692, on the 26th instant there being a full house the Council mett.

At A Council held at ffort William Henry the 26th of October 1692.

PRESENT

His Excell BENJ FLETCHER &c,

STEPH COURTLANDT,
NICH BAYARD,
WILL SMITH,
GAB MONVIELE,
CHID BROOKE, } Esqrs.

THO WILLETT,
JOHN LAURENCE,
PETER SCHUYLER,
CALEB HEATHCOTE, } Esqrs.

The Representatives returned from the severall Countyes waiting vpon His Excell & Council to acquaint them that they were a full house and by Commicōn under the seal of the Province have the Oaths and Test Administred, which they have performed, now Desired to Choose their Speaker after which his Excell was ready to Offer what he judged worthy and propper for their Consideracōn.

The house of Representatives returned and by James Graham Esqr their Speaker, Desired to have their former rights, priviledges and Customes confirmed unto them in these words, viz^t:

House of Representatives for the Province of Newyorke.

Die Mercurij Octor 26th 1692, A. M.

Ordered, that the Speaker Address his Excell & Council in behalfe of this house, And demand that their former rights priviledges & Customs may be Confirmed to them.

Impris: That none of the members nor their servants may be arrested during the Sessions of Assembly.

That they may have freedom of accesse to his Excell & Conneill when Occacōn presents.

That they may have liberty of speech and a favourable Construccōn made of all debates that may arise among them.

And for the removeall of all misunderstandings, when need shall require, that a Committe of the Council may be appointed to joyne with a Committe of this house to Conferr of what matter may occur in Generall Assembly,

And pray that these their demands may be approved by his Excell and Council & Entered in their Council booke

By ord^r of the house of Representatives

JA : GRAHAM, Speaker.

All which are granted After which His Excell did deliver in writeing what he had to offer to them recommending the same to their Care as being matters which could not Escape their own private knowledge in the following words, viz^t:

BENJAMIN FLETCHER, Captain Generall & Govern^r in Cheife of the Province of Newyorke and the Territoryes Depending thereon in America & Vice Admirall of the same.

To the Representatives assembled together for that Province at the City of Newyorke, October the 24th 1692.

Gentlemen,

You are convened here by their Matys writt to Consult and advise of such propper methods as may be effectnall for their Matys service in the Comōn defence of this Province in which the security of your own persons and property being equally concerned I shall need but few arguments to prevaile upon you in a speedy despatch of those things which may conduce to both the season of the year and your own desires of spending the sharpness of the winter with yo^r families, I hope will quicken you to a despatch of such things as are laid before you.

And first: That We may the better hope for a blessing from Almighty God I recommend to yo^r Care that provision be made for the support and Encouragement of an able Ministry and for the strict and due Observation of the Lords day.

In the next place, I desire you'll look into the debts of the Government and consider of a fund for the payment of them, which being done I shall take care to prevent any future incumbrance during my administracōn.

The necessary support of the Government I recommend to your thoughts in this time of Warr, none of you being ignorant that the Indians in our alliance must be supplied with arms ammunition and other presents.

I have visited the frontiers and put them into some posture of defence for this present winter, and am required by their Maties to build forts at Albany, Schenectady and such other places as I shall see convenient which being once well done will ease the annuall Charge of posting militia there.

I am informed the Revenue settled upon their present Matyes determins in Aprill next; I hope you will not be wanting in the Expression of yo^r Loyalty & affecōn to their Matyes who are of the same religion with Our selves, but rather outdoe what former Assemblies have done.

The settlement of Our Courts of Judicature with the Sallarys of the Judges doe alsoe shortly Expire; Justice and the due Administracōn of the Laws is the life of Government; you'll consider the Continuacōn of that Act in relacōn to Courts of Justice with a proper support for the Judges as an advantage to yo^r selves and alsoe the Subjects of this Province.

I will not Question your true zeal for their Matyes service and your own welfare; I cannot think of more Effectuall wayes to answer both those ends than by unity and concord among us, burying all heats and animosities in the grave of Oblivion. And if you can think of any Act by which your propertyes and libertyes may be better secured, you shall finde a ready concurrence in me for yo^r satisfaccōn and the publick good in which I shall never mix my own private interest. And soe, Gentlemen, I wish a happy Agreement amongst you for their Maties service Yo^r own prosperity and the Comōn safety.

BENJ: FLETCHER.

It is agreed that it be recommended to the house of Representatives forthwith to prepare a Bill for the better detaching of the militia for Albany, as Occacōn, with some smart penaltyes upon absconders and other defaulters in that behalfe with respect aswell to the 220 raised by the late Act of Assembly, intituled, An Act for the raising and paying of 220 men with their proper Officers &c. as to future levyes for their Matyes Service.

Ordered, Maj^r Schnyler & Col Heathcote doe deliver this message to the house accordingly. Adjourned till Saturday the 29th instant Octo^r.

At A Councill held at ffort William Henry, the 29th of October, 1692.

PRESENT —

His Excell BENJ FLETCHER &c,

STEPH COURTLANDT,
NICH BAYARD,
WILL SMITH,
GAB MONVIELE, } Esqrs.

CHID BROOKE
THO JOHNSON,
JOHN LAURENCE, } Esqrs.

Col Hamilton having presented some proposalls concerning a Post Office to be Erected & Established throughout their Matyes Territoryes upon the Main of America for such accomadacōns as may relate unto this Province, the same were read, and His Excell produced her Matyes Letter to His Excell for his assisting Col Hamilton in the settling of the said Office.

The proposalls are approved of.

Ordered, the said Proposals be recommended to the Representatives to prepare a Bill accordingly, Provided the Excise of the City of Newyorke be noe wayes infreinged.

Vpon the reading & perusall of a list of the Debts of the Government amounting to 7890.£ 15^s 1½, And a Scheme of the annuall charge of the Government with some present speciall needtull charge, the same is ordered to be recommended to the Representatives for their Consideracōn.

Col Courtlandt and Col Bayard are appointed to Deliver the proposalls concerning the Post Office, the list of debts, and Scheme of the annuall Charge of the Government &c, Recommended as above to the house of Representatives.

Adjourned till Munday the 31th instant.

At A Council held at ffort William Henry, the 31th of October, 1692.

PRESENT —

His Excell BENJ FFLETCHER &c,

STEPH. COURTLANDT, }
NICH. BAYARD, } Esqrs.
WILL. SMITH, }
GAB. MONVIELE, }

CHID. BROOKE, }
WILL^m NICOLLS, } Esqrs.
JOHN LAURENCE, }

The Confirming of the rules & ord^{rs} of the Weighhouse by Act of Assembly under debate, differed till further consideracōn.

Ordered, the Clerke of the Councill draw a Bill for the same.

Adjourned till tuesday the first of Novem^r 1692.

At A Council held at ffort William Henry the first of November, 1692

PRESENT —

His Excellency BENJ FFLETCHER &c,

STEPHEN COURTLANDT, }
NICHOLAS BAYARD, } Esqrs.
WILLIAM SMITH, }

GAB. MONVIELE, }
CHID. BROOKE, } Esqrs.
JOHN LAURENCE, }

Mr Kipp & Mr Wessells from the house of Representatives did report that their house had Ordered John Robinson, Jacobus Courtlandt, Dirck Wessells, Levinus Van Schayek and Jacobus Kip, or any three of them. to be a Committe of their house to joyne a Committe of the Councill to be appointed for Expediting the discovery of the Debts of the Government, so that they may make report thereof to-morrow by Eight of the Clock before noon, and Desire the Govern^r & Council to appoint a Committe accordingly.

This message is approved of, and

Ordered, that Col Courtlandt and Chidley Brooke Esqr be a Committe of this board to joyne the Committe of Representatives for the Expediting the true state of the Debts of the Government accordingly.

Adjourned till morrow morning.

At A Council held at ffort William Henry the 2^d of Novem^r, 1692.

PRESENT —

His Excell BENJ FFLETCHER &c,

FFRED. PHILLIPS, }
STEPH. COURTLANDT, } Esqrs.
NICH. BAYARD, }
WILL. SMITH, }

GAB. MONVIELE, }
CHID. BROOKE, } Esqrs.
JOHN LAURENCE, }

Pursuant to an order of Councill yesterday, Col Courtlandt Reports that they could not come to an exact state of the debts of the Government at this time, but by the nearest Computacōn, they found the Debts of the Government to amount to the sume of four thousand, eight hundred and fifty pounds, having stated the severall articles contained in the list of Debts in manner following viz^t

£2568: 1: 3	Wee finde the first Article of the debts may be lessened 600 £ in respect that the nett produce of the Revenue from the 25 th of March last to this day surmounts the ordinary Charge of the Governm ^t 600 £, which being deducted rest	£1968: 1: 3
£713: 17: 5	The second article of 713: 17: 5 will be paid by the surplusages of the three first taxes.	
£2163: 3: 7½	That the third articles of 2163: 3: 7½ ought to be diminished 30 £ for soe much payd by Plowman the late Coll ^r to Ensigne Russell.....	£2133: 3: 7
£1105: 2: 3	We leave the fourth article of 1105: 2: 3 Expended at Albany to be inspected into by the house for the particulars...	£1105: 2: 3
£74: 8: 0	Wee finde that £74: 8: 0 is allowed to Mr Wessells for his services by her Matye.....	£74: 8: 0

	That the £404: 7: 6 is due from the Sheriffs of Long Island, soe not to be allowed upon the Government	
£404: 7: 6	That there was p ^d to Maj ^r Magregere for his journey to Canida 20.£ by Coll ^r Plowman soe there rests due to him...	£54: 8: 0
£74: 8: 0	That the Eighth article of £351: 10 ^s : levied upon the Recognizances ordered to be repayed.....	£351: 10: 0
£351: 10: 0	That the money advanced to Mr John Perry is.....	£136: 0: 0
£136: 0: 0		
7890: 18: 0		£6122: 13: 1
	We finde alsoe that Maj ^r Richard Ingoldesby hath received out of the Standing Revenue for provision, cloathing &c for their Matyes Souldiers by Computacōn	£600: 0: 0
	We are informed that East New Jersey will Contribute to the subsistence of this Province. £400: 0: 0	
	And that Virginia & Maryland have already Contributed to the subsistence of the Province £270: 0: 0	
	in all amounting to	£1270: 0: 0
	Which being deducted there will remain to be provided	4852: 13: 1

Vpon the reading a Peticōn of the Representatives of the County of Richmond Complaining that William Britton had taken possession of a lot of land laid out for the Church;
Ordered, that the sd Britton be Summoned to appear before the Councill on the tenth instant, to answer the same.
Vpon Reading a Peticōn of the sd Representatives Complaining that Governour Dongan had Engrossed to himselfe all the Comōus of Staten Island to the impoverishing of the Inhabitants, The Peticōn is referred to the Attorney Generall who is to make report to this board of a propper method to redresse such injury.
Vpon reading Auoy^r Peticōn of the sd Representatives setting forth that Mr Tuschemaker having some reall and personall Estate in Staten Island, was kild by the French and Indians at Schenectady and in his life time had promised the sd Estate to the Poor, having noe heirs praying an order for the same; The sd Peticōn is likewise referred to the Attorney Generall who is to report what may be propper therein to be done.
Adjourned till morrow morning.

At A Councill held at ffort William Henry the 3d of November, 1692.

PRESENT— His Excell BENJ. FFLETCHER, &c.,
FFRED. PHILIPS, }
STEPHEN COURTLANDT, } Esqrs.
NICH. BAYARD, }
WILL. SMITH, }

GAB. MONVIELE, }
CHID. BROOKE, } Esqrs.
JOHN LAURENCE, }

Mr Butler &c, from the house of Representatives presented a messuage from the house with the Bill of the Revenue wherein they give His Excell thanks for the favourable speech and signify their sense of his Excell^s great care since his arriveall in securing the frontiers of this Province, which were ordered to be read.
Vpon reading the Bill of the Revenue,
Ordered, Col Courtlandt, Col Bayard, Col Smith and Chidley Brooke Esqr be a Committe of this board to Confer with a Committe of the Representatives to be appointed this afternoon upon the Bill of the Revenue, and John Laurence Esqr to Signify this ord^r and desire the Representatives to appoint their Committe accordingly.
Adjourned till morrow morning.

At A Council held at ffort William Henry, the 4th of November, 1692.

PRESENT—

His Excellency BENJ. FLETCHER, &c.,

FRED. PHILIPS,
 STEPH. COURTLANDT, } Esqrs.
 NICH. BAYARD,
 WILL. SMITH, }

CHD. BROOKE,
 THO. WILLET, } Esqrs.
 JOHN LAURENCE,
 CALEB HEATHCOTE, }

The Committe appointed to Confer upon the Bill of the Revenue did report unto His Excell, That they were given to understand from some of the Representatives that, forasmuch as they were not made acquainted with the Objections made against the sd Bill, they could not appoint any Committe to conferr thereupon.

Whereupon His Excell was pleased to signify his greatest objection to be, the Revenue being limited to two years, whereas the like had been formerly given to a Roman Catholick Prince forever by an Assembly of this Province, which may be imputed to them as a marke of disrespect to their present Matys.

Mr Van Schaick and Mr Courtlandt from the house of Representatives did deliver a message wherein they desire to know the subject matter of the intended conference upon the bill of the Revenue, alleaging it not presidentall that there should be any conference upon whole Bills, the Governour & Councill having alwayes the negative voice to all bills sent up from their house and likewise the priviledge of returning amendments as they think may be necessary, &c.

Wherenpon, the bill of the Revenue was ordered to be read a second time And His Excell the Governour & Councill did assent unto the Bill of the Revenue with the following amendments, vizt:

That instead of two years, the Revenue be at least continued for five years.

That instead of the tenn p cent laid on all Indian goods carryed up Hudsons River, the sume of five p cent Over and above the two p cent already granted, be layd on all such goods at their importacōn and the tenn p cent let fall.

That there be One shilling layd upon Every hundred Weight of flower and biskett Exported out of this Province to the neighbouring Plantacōns & Colonyes upon this Main of America;

And that the sume of five p cent be layd on all European goods imported from the neighbouring Plantacōns in America, over and above the duty already granted upon them.

Ordered, Thomas Willett Esqr doe Deliver to the house of Representatives these Amendments of the Bill of the Revenue for their Assent.

Adjourned till munday morning.

At A Council held at ffort William Henry, the 7th of November, 1692.

PRESENT—

His Excell BENJ. FLETCHER, &c.,

STEPH. COURTLANDT, }
 WILL. SMITH, } Esqrs.
 GAB. MONVIELE, }

CHIDLEY BROOKE, }
 JOHN LAURENCE, } Esqrs.

Vpon reading the Peticōn of Rob^t Livingston and the Officers that served in the Expeditōn at Albany in Col Dongan's administracōn, setting forth, that some part of the money raised to defray the Charge thereof is not yet levied and praying to have the levying of the sd arrearages reinforced by Act of Assembly;

Ordered, the sd Peticōn be Recommended to the Representatives and the said Peticōn is hereby recommended to the house of Representatives for their consideracōn.

Dirck Wessells &c did deliver to this board two Bills vizt

A Bill for settling fairs & mercatts in Each respective Citty & County.

And A Bill for Establishing Courts of Judicature assented unto by the Representatives, for the assent of the Governour & Councill.

Ordered, the Bill for Establishing Courts of Judicature be read the first time.

Adjourned till morrow morning.

At A Council held at ffort William Henry, the 8th of November, 1692.

PRESENT—

His Excellency BENJ FLETCHER,

FFRED. PHILIPS,
STEPH. COURTLANDT, } Esqrs.
NICH. BAYARD,

GAB. MONVILLE,
CHID. BROOKE, } Esqrs.
JOHN LAURENCE,

Dirck Wessells &c from the house of Representatives, did Deliver A Bill for the supervising Intestates Estates &c. And A Bill for Encouraging a Post Office, assented unto by their house, for the assent of the Governour & Council.

Ordered, A messnage from the house of Representatives concerning Wampum peag be read.

Vpon reading of the messnage concerning Wampum, Wherein the house of Representatives pray His Excell & Council that forasmuch as they have daily Complaints from the people of all ranks that there is an obstruccōn to the currancy of Wampum, which is very greivous to the poorer people and in Contempt of a Proclamacōn formerly made for the currancy thereof: His Excell would please to issue forth his Proclamacōn that Wampum may goe curr^t in all payments according to the wayes, value and Customes formerly used.

His Excell and Council doe Agree to the same *nemine contradicente*, And His Excell doth Order the Attorney Generall to draw up the sd Proclamacōn accordingly.

Ordered, the Bill for the Settling fairs & Mercatts be read the first time.

Ordered, the Bill for Supervising Intestates Estates be read the first time.

O derved, the Bill for settling Courts of Judicature be read the second time.

Adjourned till morrow morning.

At A Council held at ffort William Henry, the 9th of November, 1692.

PRESENT—

His Excellency BENJ FLETCHER &c.,

NICH. BAYARD,
WILL^m SMITH, } Esqrs.
GAB. MONVIELE,

CHID. BROOKE,
JOHN LAURENCE, } Esqrs.

Ordered, A third reading of the Bill for Establishing of Courts of Judicature.

Vpon reading of the Bill for Establishing of Courts of Judicature, the Governour & Council doe assent unto the same with these amendinents, viz^t:

That for the ease benefite and releife of any poor man injured or oppressed by an erroneous or false judgement in the County Courts or Courts of Conōn pleas & Mayor and Aldermen, Appeals be permitted for the smallest sume. The bill to be amended throughout accordingly.

That the Courts of Mayor & Aldermen in the City of Newyorke & Albany, shall have noe jurisdictiōn over the Countyes of Newyorke & Albany by virtue of such Office; that Clause therefore to be omitted.

That instead of these words, viz^t: for the hearing & determining all Accōns and Cause of accōns arising within the libertyes of the town of Kingstown to the value of five pounds and under (be inserted) granted them in their Charter.

And that the Act for Courts of Judicature shall continue in force for five years or soe long as the Revenue shall be granted.

The house of Representatives having agreed to that amendment of the takeing off the tenn ^q cent upon Indian goods and merchandizes caried up Hudsons River and putting five ^q cent in lieu thereof on all such goods & merchandizes imported to the Province,

Ordered, the sd Bill be read with the amendment.

The house of Representatives having given their Opinion of the other additionall amendinents and that of the continuacōn of the Revenue for longer time, viz^t: that they are not amendinents but require a new bill &c.,

Ordered, Col Bayard, Col Smith & Chidley Brooke Esqr be a Committe of this board to joyne A Committe of the House of Representatives to be appointed to conferr upon the sd Articles and the continuacōn of the Revenue for longer time, this afternoone.

Ordered, John Laurence Esqr doe acquaint the house of Representatives of this Committe, returne the thanks of His Excell & Council for their consenting to that amendment of duty upon Indian goods & merchandizes, and desire them from this board to appoint a Committe of their house to Conferr upon the other amendin^t & that of the Continuacōn of the Revenue accordingly.

O derved, John Laurence Esqr doe alsoe deliver the Bill for Establishing Courts of Judicature assented unto by the Governour & Council with the amendinents annexed, for the approbaciōn of the house of Representatives.

Adjourned till thursday morning.

At A Councill held at ffort William Henry, the 10th of November, 1692.

PRESENT—

His Excellency BENJ : FLETCHER &c.,

FRED. PHILLIPS, }
WILL^m SMITH, } Esqrs.
CHID. BROOKE, }

WILL^m NICOLS, }
JOHN LAURENCE, } Esqrs.

Ordered, the Bill for settling Intestates Estates be read a second time.

Vpon reading of the Bill for Settling Intestates Estates the Governour & Council doe assent thereunto with this amendm^t viz^t

That all Wills relating to any Estate within the City & County of Newyorke be proved before the Governour, aswell as those of Orange, Richmond and Kings County or before such person or persons as His Excell the Govern^r shall delegate.

Ordered, the Bill for settling a Post Office be read a second time.

Vpon reading the Bill for the Post Office, the Govern^r & Councill doe assent thereunto with the following amendments, viz^t:

That the Postmasters in the Countrey be Exempted from Excise and publick services, and the Post Master in Newyorke Citty from publick services only,

And that noe Letters going to or from Long Island be Oblieged to Come into the Post Office.

M^r Butler from the house of Representatives did acquaint His Excell & Council that they had appointed M^r Garton, M^r Courtlandt, M^r Van Schayek, M^r Robinson, M^r Whitehead & himselve a Committe to joyne the Hon^{ble} the Committe of the Council to Conferr of the additionall amendments upon the Bill of the Revenue and the Continuation thereof for longer time.

Ordered, a second reading of the Bill for fairs & mercatts

Adjourned till fryday morning.

Postmerid.

At the meeting of the Committees of both houses at Newyorke:

PRESENT—

Col. BAYARD, }
Col. SMITH, } of the Council.
CHID. BROOKE, Esqr }

JOHN BUTLER,
LEVINUS VAN SCHAYCK, }
JACOB COURTLANDT, } Gentl of y^e Assembly
JOHN ROBINSON, }
THO. GARTON, }
DAN. WHITEHEAD, }

The Hon^{ble} The Committe of the Council did offer Col Smith their Chairman.

The Gentl of the Committe of the Representatives did nominate John Butler their Speaker.

Col. SMITH.

Gentlemen,

The first point we are to Conferr of is, the Continuacōn of the Revenue Established upon their Maties for at least five years which in yo^r Bill you limitt to two.

Will it not seem remarkable that notwithstanding their present Matyes are of Our own Religion, have wrought for us and the Protestant Religion in generall so great a deliverance, that great care they have taken and the Charge they have been at in protecting of the Government by their shippes of warr and otherwise, their maintainance of the two Companyes in guarrison here by their own Coffers in England formerly maintained at the Charge of the Province and the Ordnance and great quantities of ammunicōn and stores sent hither at th^eir great Charge & Expense for the benefite of this Province, Nevertheless tho' the like revenue was formerly given to K. James for life you doe now limitt the same to two years.

Mr. BUTLER.

May it please yo^r Honours,

We are not wanting in Our duty to their Matyes nor doe we intend any abridgement to their Matys Revenue, but on the Contrary, We have regard to the heavy burden and great poverty of the people of this Province who are ready to sinck under it. You are Eye witnesses thereof. Consider the Circumstances of Our neighbours on both sides who are without Government, free of all taxes, duties, services, and have gott both Our trade and Inhabitants. Our house is full of the daily Complaints of merchants, who are threatening to follow the rest if trade shall be soe cloggd, whilst our neighbours goe free. We had it under Consideracōn to have found out another method for settling a Revenue upon their Matys & to have easd the merchant &

Trader, but we are in hopes daily of having those neighbouring Colonies of Connecticut, the Jerseys, Pennsylvania & New Castle annexed to us as formerly; Which hope is our greatest support. And Wee finde it needfull to Encourage the few Traders that are amongst us with the Expectacōn of having the trade of this Province shortly eased of those burdens, or Our neighbours to bear an equall share with us.

Col. SMITH.

Gentlemen

The next thing to be considered is the trade betwixt this and Boston. They draw away Our staple Comoditye of flowr, which they have transported to the Westindies, to the great injury of the trade and navigacōn of this Province. Will it not be convenient to Clogg that trade, by laying one shilling upon every C^t W^a of flowr, to stop their transporting of Our Product to the Westindies.

Mr. BUTLER.

May it please yo^r Honours,

The reason of that trade, was Chiefly their want of bread for Consumption at Boston; and it was a profit to us to Our Certaine knowledge. Wheat at Boston was then 5^s a bushell when sold here for 3^s : 6^d, which is demonstracōn enough that this could not spoil our mercate in the Westindies.

Col. SMITH.

Gentlemen,

The last thing We propose is, that 5 $\frac{1}{2}$ cent be layd upon all European goods imported into this Province from the neighbouring Plantacōns, as a mean between 10 $\frac{1}{2}$ cent formerly laid (to stopp that trade wholly) and nothing whereby this indirect trade will be sufficiently Cloggd, but soe that we may upon Occacōn be supplied with such things as they may have whilst we want them.

Mr. BUTLER.

May it please yo^r Honours,

We have this or something to this purpose und^r consideracōn for the payment of the debts of the Governm^t, which in convenient time will come before you.

At A Councill held at ffort William Henry, the 11th of November, 1692.

PRESENT—

His Excellency BENJ. FLETCHER, &c.,

STEPH. COURTLANDT,
NICH. BAYARD,
WILL. SMITH,
GAB. MONVIELE,

} Esqrs.

CHID. BROOKE,
WILL^m NICOLLS,
JOHN LAURENCE,
CALEB HEATHCOTE,

} Esqrs.

Ordered, the Bill of the Revenue be read the third time.

Vpon reading the Bill of the Revenue with the amendment therein agreed to by the house of Representatives, the Governour and Councill doe assent unto the same.

Ordered, the Bill for Encouraging a Post Office be read the third time.

Vpon reading the Bill for Encouraging the Post Office with the amendments agreed to by the house of Representatives, the Governour and Council doe assent unto the same.

Ordered, the Bill for settling fairs & mercats be read the third time.

Vpon reading the Bill for fairs & mercatts, the Governour & Council doe assent unto the same without amendment.

Ordered, the Bill for settling of Intestates Estates be read the third time.

Vpon reading the Bill for settling of Intestates Estates, the Governour & Councill doe assent unto the same without amendment.

Ordered, that John Laurence Esqr doe Report to the house of Representatives that the Governour & Council have assented unto the four beforementioned Bills, with the amendments agreed to by them.

Ordered, that Chidley Brooke their Matyes Coll^r & Rec^r Gen^l of the Province of Newyorke, and William Nicolls Esqr be present to see the Bill of the Revenue amended according to the true intent & meaning of both houses.

Ordered, the draft of A Bill for Establishing & Confirming the rules and orders of their Matys Weighhouse in the City of Newyorke be Read.

Vpon reading the draft of A Bill for Establishing & Confirming the former rules and orders of their Matys Weigh house,

Resolved, it be forthwith recommended to the house of Representatives for their passing of the same in their house, And Ordered John Laurence Esqr doe Deliver the same; recommended accordingly.

Mr Van Schayek from the house of Representatives returned the Bill for Establishing of Courts of Judicature with the minute of their agreement to that amendment concerning the Jurisdiction of the Mayor & Aldermen of Newyorke & Albany.

Ordered, the Blank for limitation of time be filled up to two years as in the Bill of the Revenue.

Whereupon the Governour & Councill doe assent unto the sd Bill soe amended.

Mr Robinson &c from the Representatives did present to this board A Bill for the satisfying & paying the Debts of the Government; And A Bill for the granting to their Matyes the rate of one penny p^{r} pound &c. to be allowed unto his Excell the Govern^r for his Care &c.

Ordered, the Bill for satisfying & paying the debts of the Government be read first, second and third time.

Vpon reading of the Bill for satisfying & paying the debts of the Government, the Govern^r & Councill doe assent unto the same with the following amendment viz^t, to be added: Provided alwayes And it is hereby Enacted by the authority aforesaid, that what moneys or Credit hath been advanced by any person or persons for the support of their present Matyes Government from the 27th of January 1690. shall be payd before any other former debts of the Government, anything herein contained to the Contrary thereof in anywise notwithstanding.

Ordered, the Bill for the granting to their Matys the rate of one penny p^{r} pound &c be read first, second & third time.

Vpon Reading the Bill for the Granting to their Matyes the rate of One penny p^{r} pound &c The Governour & Councill doe assent unto the same without amendment.

Ordered, that Childley Brooke Esqr and William Nicolls Esqr doe Deliver the sd two Bills, and that of the Courts of Judicature to the house of Representatives and to Acquaint them how far the Governour & Council have proceeded in them.

Adjourned till morrow morning.

At A Council held at ffort William Henry, the 12th of November, 1692.

PRESENT—

His Excellency BENJ. FLETCHER, &c.,

STEPH. COURTLANDT, }
NICH. BAYARD, } Esqrs.
GAB. MONVIELE, }

CHID BROOKE, }
WILL. NICOLLS, } Esqrs.
JOHN LAURENCE, }

Vpon Reading a message from the Representatives wherein they sett forth the many complaints of the people of greivances, praying a regulation of fees and that a Committe of the Hon^{ble} Council may be appointed to joyne a Committe of the Representatives for that purpose,

His Excell did produce his Instruccions, wherein he was pleased to Communicate how he is thereby required, by advice and consent of the Council, to Regulate all sallaryes & fees belonging to places or payd upon emergencies; A copy whereof he did order forthwith for the sd Committe for their perusal.

His Excell by and with the advice & Consent of the Council did agree that for the satisfaccion of the Subject, there should be a regulacō of fees committed to the sd Committe. And

Ordered, Col Courtlandt & William Nicolls Esqr be a Comittee of this board to Joyne a Committe of the Representatives for that purpose to be appointed; and that the Coll^r & Rec^r Generall be Admitted to all conferences with his Lres Patents from their Matys and that they be read.

Adjourned till munday morning.

At A Council held at ffort William Henry, the 14th of November, 1692.

PRESENT—

His Excell BENJ FLETCHER &c.,

FFRED PHILIPS, }
STEPH. COURTLANDT, } Esq
NICH. BAYARD, }

GAB. MONVIELE, }
CHID. BROOKE, } Esqrs.
JOHN LAURENCE, }

His Excell desired the Advice of this board whether it is more requisite to Adjourn or prorogue the Assembly and what may be the propper and most convenient time for their next meeting.

The Council are humbly of Opinion that it is most requisite to Adjourn the Assembly to Munday the 20th of March now next Ensueing, which they humbly submit.

His Excell according to the former usage of passing of Bills into Acts in this Province in the presence of this board, did signe these seaven Bills, viz:

A Bill for the Establishing of Courts of Judicature &c

A Bill for the Encouraging of the Post Office &c

A Bill for the Supervising of Intestate, Estates &c

A Bill for settling of fairs and mercats &c

A Bill for the satisfying & paying the debts of y^e Governmt &c

A Bill Establishing a Revenue upon their Matyes &c

A Ball granting to their Matys the rate of one penny ʒ pound to be allowed unto his Excell, &c

His Excell Adjourned the Assembly till three a clock afternoone; And being attended with the Connsellours & Assemblymen, conducted by the Mayor & Aldermen of N.Yorke, went to the city hall and there heard the severall Acts of this Sessions of Assembly published.

Postmeridiem.

At A Council held at ffort William Henry, the 14th of November, 1692.

PRESENT—

His Excell BENJ FLETCHER &c.

FFRED. PHILIPS, }
STEP. CORTLANDT, } Esqrs.
NICH. BAYARD, }

GAB. MONVIELE, }
CHID. BROOKE, } Esqrs.
WILL. NICOLLS, }
JOHN LAURENCE, }

Vpon reading a Certain Request of the Representatives praying His Excellency and Council for an Allowance and order vpon their Matys Col^r & Rec^r Generall for the sume of sixty pounds to their Speaker for his services to their Matys and the country this Sessions of Assembly, in Drawing and forming of their Bills,

It is the Opinion of His Excell & Council that in due time they will take Mr Speaker into their Considera^{on}, to reward him for the services he hath done in this Assembly.

His Excell having called the Representatives before him. having had their own opinion Concerning the fittest time of their next meeting and the Opinion of the Council, did Adjourn this Assembly untill Munday the twentyeth of March now next Ensueing; And the said Assembly is hereby Adjourned accordingly.

THE SECOND SESSIONS.

At a Council held at ffort William Henry, the 20th of March, 1692.

PRESENT—

His Excell BENJ FLETCHER &c.,

FFRED. PHILIPS, }
STEPH. COURTLANDT, } Esqrs.
NICH. BAYARD, }
WILL^m. SMITH, }

GAB. MONVIELE, }
CHID. BROOKE, } Esqrs.
JOHN LAURENCE, }

The house of Representatives having signified that they cannot proceed upon businesse, their house not being full,

Adjourned till Wednesday the 22th of March.

[Illegible text]

July

[Illegible text]

[Illegible text]

At A Council held at ffort William Henry, the 22th of March, 1692.

PRESENT —

His Excell BEN FLETCHER &c.,

FRED. PHILIPS,
STEPH. CORTLANDT, }
NICH. BAYARD, } Esqrs.
WILLIAM SMITH, }
GAB. MONVIELLE, }

CHID. BROOKE,
WILL^m. NICOLLS, }
JOHN LAWRENCE, } Esqrs.
CALEB PEATHCOTE, }

His Excell did order the Clerke of the Council to signify unto the House of Representatives that his Excell did expect their attendance to receive what he had to offer to them for their Maties & the Countreys service.

Mr. Speaker and the Representatives of this Province being present *His Excell* rose up and said :

1940015

Gentlemen,

I am glad to meet you again here for their Maties and the Countreys service.

I remember that in the last sessions of Assembly I did recommend to you the Settling of a Ministry in this Province, that the worship of God may flourish amongst us, without which we cannot but expect a Judgement to follow us and all our undertakings: I doe not understand that you have made one step towards it; therefore recommend it to yo^r particular care this sessions.

Gentl: I need not to tell you that the french of Canida and their Indians, have made a late attempt upon our frontiers and of the victory we have obtēind over them. Some of you have been in the service whose courage and behaviour is to be commended. I was well pleased to see the forwardnesse of every one to that accōn, and am sorry that the Enemy have gott soe well away. I am informed that the charge of that expedicōn will amount to £600, which I lay before you to provide a fund to defray it.

There is alsoe a necessity of my going to Albany this summer, to preserve that old alliance between us and the Indians of the live Nations or (as they terme it) to renew the Old Covenant chain. The charge of this journey and the presents to be made to the Indians will be 600£ more, which is likewise to be considered.

Gentl: I did formerly recommend to you to provide for the building of a Stone ffort at Albany, and doe now tell you there is a necessity for the doing thereof. A Small regular Fortificacōn of Stone furnished with such Ordnance, and stores of warr as their Maties have sent heither with me, will defend us and all their Maties Provinces & Colonyes on this Maine. Fewer men will be required to maintain the frontiers and be able to give a stop to the greatest force Canida can send against us, untill we shall have time to bring strength sufficient to beat them, which I beleive we shall never faile of.

If you can therefore propose an Act of Assembly obleiging all sloops going up Hudsons River to Albany to take in some considerable quantity of stones for ballast, to be left at Albany for that use, or any other methods to ease the Charge thereof, I shall be glad of it.

Gentl: Their Maties have a Weighhouse in the city of Newyorke which from time to time hath payd a rent unto their Maties. I would have it settled upon their Maties by Act of Assembly. We are in actuall warr. Our charges are daily growing upon us, must therefore lett nothing fall that can add to the revenue, be it never so small or inconsiderable.

I did Endeavour the last sessions to have the Revenues settled upon their Maties for their lives; but it was not granted. I hope you have better considered thereof, and are sensible of the great care and affeccōn, which their Maties have expressed towards you. They have ordered a man of warr to attend your Coast; sent over 20 ps of Ordnance, small arms and considerable stores of warr, & maintain the two Companies of Granadeers, at the expense of their Collets in England; they have devoted the Revenue of the Province wholly to the support of the Government thereof, and have noe other benefite from you but the bare Title.

Gentl: There is one small request to you which I hope will meet with noe opposition, and that is: that the Kings name may live forever amongst you, I would have a bill passe for the calling Long Island the Island of Nassaw.

Gentl: The fusileers at Albany are to be discharged the first of May, which draws neere and we see by daily experience, that the french of Canida by means of these prisoners that are amongst our Indians, have a Constant, sure intelligence of all our stepps. Therefore, I doe recommend it to you, to make such provisions for the frontiers that the detachments shall not move from them untill they be relieved by others.

Gentl: I understand there are great complaints amongst the people that the taxes and Impositions are heavy, which I must confesse; but it is not harder with us than with our brethren in England; nor can we expect it to be otherwise whilst the warr continues. We must therefore bear it with cheerfullness and patience.

Gentl: I am now glad to understand that the fends and heats that were amongst the people, are at an end. I know noe better remedy for them, nor means to confirme our peace, than a virtuous, pious life and conversation. which I hope every one of you will endeavour in Yo^r severall places of Residence; and for my part by the help of God, I shall study to give a good example. These things are what I have to offer at present. I shall be ready to give you any assistance. I leave them before you and begg your dispatch. See, Gentlemen, you may return to your house.

Adjourned till morrow morning.

At A Council held at ffort William Henry, the 23th of March, 1692.

PRESENT—

His Excell BEN FLETCHER &c.,

FFRED. PHILIPS,
STEPH. COURTLANDT, } Esqrs.
NICH. BAYARD,
GAB. MONVIELLE,

CHID. BROOKE,
WILLIAM NICOLLS, } Esqrs.
JOHN LAWRENCE,
CALEB HEATHCOTE,

Mr Wesells and others from the house of Representative, brought a message wherein the house of Representatives doe unanimously returne his Excell thanks for his Care of the fronteers, and his great dispatch in his personall appearance there, upon the late invasion of the french and Indians, &c.

His Excell did advise them to tell their brethren to lay all private businesse at present aside, to Consider what he had offer'd to them concerning the fronteers; that the first of May draws neere, and if they doe not provide for new detachments to be ready for their releife. or that the fusileers already there should continue till releife can be sent, the fronteers may be destroyed. When that provision is made He is ready to concur to any thing which they can propose for their private benelife.

Adjourned till morrow morning.

March 24th Adjourned till morrow morning.

25th Adjourned till monday morning.

27th Adjourned till tuesday morning.

28th Adjourned till Wednesday morning.

29th Adjourned till thursday morning.

At A Council held at ffort William Henry, the 30th of March, 1693.

PRESENT—

His Excell. BEN. FLETCHER &c.

FFRED. PHILIPS,
STEPH. COURTLANDT, } Esqrs.
NICH. BAYARD,

GAB. MONVIELLE, } Esqrs.
CHIDLEY BROOKE,
JOHN LAWRENCE,

A Bill agreed unto by the house of Representatives for the raising of six thousand pounds for three hundred men, to reinforce Albany, was ordered to be read.

Vpon reading the Bill for the raising of six thousand pounds, with the Establishment annexed, It is the opinion of the Governour and Council that the Corporalls ought to have more encouragement than private Centinells equall to their trust and duty as is usual; That there is need of a City Maj^r at Albany with pay to be allowed him which is omitted; that the county of Westchester is overrated in their Quota & proporcōn of the tax.

Ordered, that Coll Courtlandt and Chid. Brooke Esqr doe acquaint the house of Representatives thereof, and by a Committe to concerte with a Committe of the Representatives on these heads.

Adjourned till fryday morning.

At A Council held at ffort William Henry, the 31th of March, 1693.

PRESENT—

His Excell BEN FLETCHER &c.,

STEPH. COURTLANDT, }
NICH. BAYARD, } Esqrs.
GAB. MONVIELLE, }

CHIDLEY BROOKE, }
JOHN LAURENCE, } Esqrs.

Coll Courtlandt and Chidley Brooke Esqr made report, that the committes did meet last night, pursuant to order, and did agree that the form of the establishment for paying the Officers to be appointed over the men that shall be raised, be made as his Excell shall think fitt, provided the number of the Effectuall men therein mencōned & intended, doe remaine, And that the Quota of money for the County of Westchester doe remaine as it stands in the Bill.

Adjourned till Saturday morning.

At A Council held at ffort William Henry, the first of Aprill, 1693.

PRESENT—

His Excell BEN FLETCHER &c.,

STEPH. COURTLANDT, }
NICH. BAYARD, } Esqrs.
GAB. MONVIELLE, }

CHID. BROOKE, }
JOHN LAWRENCE, } Esqrs.

His Excell proposed that in the establishment of the four Companies annexed to the six thousand pound Bill, there should be Established four shill $\frac{1}{2}$ diem for a Towne Maj^r at Albany, one chirurgeon at 2^s 6^d $\frac{1}{2}$ diem, and a Commissary of the stores and Commissary of the musters to be two distinct persons, at 2^s 6^d each $\frac{1}{2}$ diem; which is assented unto by the Council, *nemine contradicente*.

Ordered, the Reading of the £6000 Bill a second time.

O derved, the Reading of the Bill to call Long Island the Island of Nassau.

The Governour and Council doe agree that it be provided in the said Bill, that from henceforth Long Island be nominated The Island of Nassaw, in all Grants, conveyances, Deeds, writings & Records whatsoever within this Province.

Ordered, John Laurence Esqr doe cary this minute of the Bill, to call Long Island Nassaw, for the consent of the house of Representatives to that addition.

Adjourned till munday morning.

At A Council held at ffort William Henry, the 3^d of Aprill, 1693.

PRESENT—

His Excell BEN FLETCHER &c.,

STEPHEN COURTLANDT, }
WILL^m SMITH, } Esqrs.
GAB. MONVIELLE, }

CHID. BROOKE, }
JOHN LAURENCE, } Esqrs.

Ordered, the 6000 £ Bill be read the 3^d time.

Vpon the reading the Bill for the raising 6000 £, the Governour and Council doe assent unto the same.

Adjourned till morrow morning.

At A Council held at ffort William Henry, the 4th of Apr., 1693.

PRESENT—

His Excell BEN. FLETCHER, &c.,

FRED. PHILLIPS, }
STEPH. COURTLANDT, } Esqrs.
NICH. BAYARD, }

WILL^m SMITH, }
THO. WILLETT, } Esqrs.
JOHN LAURENCE, }

Mr Robinson &c brought a message from the house of Representatives signifying their house had appointed Mr. Robinson, Cap^t Courtlandt, Captaine Kip, Maj^r Wessells and Captaine Van Schaick, a Committe of their house, and desiring His Excell & Council to appoint a

Committee of the Council to joine them for the plainer ascertaining the debts of the Government that are to be payd by the duties raised by Act of Assembly for that purpose, and alsoe for removing the doubts and questions lately risen concerning the meaning of that Act.

His Excell did nominate Coll Courtlandt, Coll Bayard, Chidley Brooke & Will^m Nicolls Esqrs A Committee to joine the Committee of the Representatives for that Intent, which is agreed unto accordingly.

Ordered, that Coll William Smith doe joine the former Committee, appointed the 12th of November last, for regulating the fees.

Ordered, the same Committee which is this day appointed to ascertaine the debts of the Government &c, be a Committee to examine into the amount of the Revenue and Expense thereof, since His Excell arrivall.

Vpon the desire of the house of Representatives to have a Committee appointed by His Excell & Council to joine with Mr Robinson, Mr Whitehead, Mr Tothill, Mr Burns, Mr Garton and Mr Van Schick (A Committee of their house), to conferr upon the addition in the Bill to call Long Island, Nassaw,

Ordered, that the Committee appointed for regulating the fees be a Committee for that conference.

Adjourned till morrow morning.

At A Council held at ffort William Henry, the 5th day of Aprill, 1693.

PRESENT—

His Excell BEN: FLETCHER, &c.,

FFRED. PHILIPS,
STEPH. COURTLANDT, } Esqrs.
NICH. BAYARD,
CHID. BROOKE,

WILL^m NICOLLS,
THO. WILLET, } Esqrs.
JOHN LAURENCE,

Ordered, that Coll Courtlandt, Coll Smith, Chidley Brooke & Will^m Nicolls Esqr be a Committee of this board, to joine a Committee of the Representatives, to concerte about regulating the rules and duties of their Maties Weighhouse.

Ordered, Coll Willet doe signify the appointment of this Committee for regulating the rules and duties of their Maties Weigh house to the house of Representatives, and desire them to appoint a Committee of their house to meet and concerte thereof this afternoone.

Adjourned until Saturday morning.

At A Council held at ffort William Henry, the 8th of Aprill, 1693.

PRESENT—

His Excell BEN: FLETCHER, &c.,

FFRED. PHILIPS,
STEPH. COURTLANDT, } Esqrs.
NICH. BAYARD,
WILL^m SMITH,

WILL^m NICOLLS,
JOHN LAURENCE, } Esqrs.
CALEB HEATHCOTE,

The Bill for calling Long Island, the Island of Nassaw being three times read, is assented unto by His Excell & Council.

Adjourned till Munday morning.

At A Council held at ffort William Henry the tenth of Aprill, 1693.

PRESENT—

His Excell BEN: FLETCHER, &c.,

FFRED. PHILIPS,
STEPH. COURTLANDT, } Esqrs.
NICH. BAYARD,

WILL^m SMITH,
CHID. BROOKE, } Esqrs.
JOHN LAURENCE

Vpon reading the Bill intituled, A Bill for Establishing the rates of their Maties beame at their weighhouse,

His Excell and Council doe assent unto the rates agreed unto by the Representatives, but forasmuch as his Excell did finde the said Weighhouse in the possession of the Crowne u on arrivall, and that for the ease and benefite of the Inhabitants and Traders to and from this

Province, His Excell hath condescended that the house of Representatives should ascertain the rates & duties thereof, as may be most easy; therefore, cannot agree that it should be limited by the sd Bill to two years.

Ordered, That John Laurence Esqr doe signify to the house of Representatives, that His Excell & Council will Assent unto the sd Bill, provided the last clause of Limitations be wholly left out, and desire their assent thereunto, without losse of time.

Adjourned till afternoone.

The tenth of Aprill, 1693. 3 a clock, afternoone.

PRESENTIBUS—

Isidem.

The house of Representatives having assented to the taking off of the limitation in the Bill for regulating the Rates of their Maties beam, and the said Bill being three times read,

His Excell & Council doe assent to the sd Bill.

His Excell signed the following Bills, vizt:

The 6000[£] Bill for the reinforcment of Albany & the fronteers of their Maties Plantacōns on the Maine of America, for one year next Ensueing.

The Bill to call Long Island, the Island of Nassaw.

The Bill Establishing the rates of their Maties beam in their Weighhouse.

O dored, the Clerke of the Council doe acquaint Mr Speaker that His Excell in Council did Expect their attendance, in order to an adjournment.

Mr Speaker and the Representatives being present His Excell said:

Gentlemen,

I have received their Maties Commands to travail into Pensilvania, to receive that Province and New Castle under my care and Government, which I hope will be an advantage to this Province, and if our taxes and duties for the future be made easier thereby, I shall not value my trouble. I finde it therefore needfull at present, tho' there is but little done, to adjourne you for some time.

Gentlemen

The first thing that I did recommend to you, at Our last meeting, was to provide for a Ministry; and nothing done in it. There are none of you but what are bigg with the priviledge of Englishmen, and Magna Charta, which is yo^r right; And the same Law doth provide for the religion of the Church of England, against Sabbath breaking, swearing and all other profanity. But as you have made it last, and postpon'd it this Sessions, I hope you will beginn with it the next meeting, and doe somewhat towards it effectually.

Gentlemen

You have been very cheerfull in passing of the £6000 Bill, for the reinforcing of the fronteers; for which I returne you thanks, and shall recommend yo^r care of the fronteers to their Maties. As for the Bill to call Long Island, the Island of Nassaw, It mett with some opposition amongst you; but I beleive it proceeded meerely from ignorance; for the calling of that Island by a new name for the time to come, can noe wayes hurt or injure any former grants or conveyances of Lands; I had no other design in proposing of it unto you, than that We might put some marke of our respect upon the best of Kings, which you have granted. I am alsoe thankfull for that.

The third Bill which you have passed is for their Maties beam at the Weighhouse. I am a stranger to the manner of its being first Established; but informed that it was, by agreement between the English and Datch, upon the surrender of this Province, continued in force with all the former rules and duties thereof. I found it in the Kings possession upon my arriveall, and have condescended that, for the ease and benefite of the Merchants and Inhabitants of the City of Newyorke, you should regulate the fees and duties thereof, as should seeme good; which I am contented to agree unto. But it seemeth strange to me that you should goe about to limite it to two years, being their Maties property; that you have consented to take off the limitacōn, is soe farr well.

Gentlemen

Upon my returne from Pensilvania (God willing), I shall visite Albany and the fronteers, so that We cannot Expect to meet again in a short time. Doe therefore adjourne till the first of September next, and wish you all safe to your homes.

[IN EXECUTIVE SESSION.]

At a Council held at ffort William Henry, the 27th day of July, 1693.

PRESENT —

His Excell BEN: FLETCHER, &c.,

FRED. PHILIPS,
STEPH. CORTLANDT,
NICH. BAYARD,
WILL^m SMITH,
GAB. MONVIELLE,

Esqrs.

WILL^m NICOLLS,
THO. WILLETT,
WILL^m PINHORNE,
JOHN LAWRENCE,

Esqrs.

His Excell desired the opinion of this board concerning the present Assembly.

This board are of opinion, *nemine contradicente*, that it ought to be DISSOLVED and advise his Excellency accordingly.

His Excell. with the advice & consent of the Councill doe order that Writts issue for the Election of New Representatives from the severall cittyes and countyes in this Government returnable as usuall the seventh day of September next ensuing.

THE THIRD ASSEMBLY FIRST SESSION.

Province of }
Newyorke } ss.

At A Council held at ffort William Henry, the 7th of Sept^r 1693.

PRESENT—

His Excell BEN. FFLETCHER, &c.,

STEPH. CORTLANDT, }
NICH. BAYARD, } Esqrs.
GAB. MONVIELLE, }

WILLIAM PINHORNE, }
JOHN LAURENCE, } Esqrs.

His Excell adjourned the Assembly to the 11th of September instant many of the Representatives not yet come to Towne.

At A Council held at ffort William Henry, the 11th of Sept^r, 1693, forenoon.

PRESENT—

His Excell BENJA. FFLETCHER, &c.,

FFRED. PHILIPS, }
STEPH. CORTLANDT, } Esqrs.
NICH. BAYARD, }

GAB. MONVIELLE, }
WILL^m PINHORNE, } Esqrs.
JOHN LAURENCE, }

The Representatives having presented themselves to his Excell & Council His Excell did Acquaint them that he had appointed Coll Cortlandt & Coll Bayard to Administer unto them the oaths & test which did capacitate them to serve in Assembly; then they withdrew.

Adjourned to 2 a clock afternoon.

Postmeridiem.

PRESENTIBUS—

Isidem.

Coll Cortlandt & Coll Bayard did return that they have administred the oaths & Test to the Representatives who are present, one of which Representatives upon pretence of conscience refuseth & two are absent.

O. drcd, A Writt issue forthwith for the choice of another Representative to serve in the room of him that refuseth the oaths.

His Excell bid the Representatives withdraw and make choice of their Speaker which he hoped would not spend much time, told them that when they presented their Speaker he would acquaint them with what he had to offer for their Mat^s service.

Adjourned till morrow morning.

At A Council held at ffort William Henry, the 12th of September, 1693.

PRESENT—

His Excell BEN: FFLETCHER, &c.,

FFRED. PHILIPS, }
STEPH. CORTLANDT, } Esqrs.
NICH. BAYARD, }

WILLIAM PINHORNE, }
JOHN LAURENCE, } Esqrs.

The Representatives did present James Graham Esqr their Speaker and desired his Excell approbacōn.

The Speaker made a modest apology.

His Excell did approve of their choice.

The Speaker desired the confirmacōn of their antient priviledges giving them in writing & desiring they may be recorded in the Council book: which His Excell did grant & offered to grant them anything else might be for their service which they could think upon and ordered that it should be recorded in the Council book.

House of Representatives for the Province of Newyorke.
Die Lunæ P. M. 7^{ber} 11th 1693.

Imprimis That none of the members of this house nor their servants be arrested nor molested during this sessions of Assembly.

2^{dy} That they may have freedom of accesse to his Excell & Council when occacōn requires.

3^{dy} That they may have liberty of speech and a favourable construction made upon all such debates as shall arise amongst them.

Lastly That if any misunderstanding should arise between this honorable board and the house of Representatives that a Committe of the Council may be appointed to Joyne with a Committe of this house to conferr thereupon, that the same may be removed and that this their demands according to former precedents may be approved by his Excell and Council & Entered in the Council books accordingly.

By order of the house of Representatives,

JA: GRAHAM, Speaker.

Then His Excellency spoak saying:

M^r Speaker and you Gentlemen the Representatives of this Province—

I Observe many of you were of the former Assembly Yo^r knowledge in the affairs of the Government of this Province and methods of Assembly will shorten what I have to say.

I recomended to the former Assembly the settling of an able Ministy that the worship of God may be observed among us for I finde that great & first duty very much neglected; lett us not forgett that there is a God that made us who will protect us if we serve him. This has been alwayes the first thing I have recomended, yet the last in your consideracōn I hope you are all satisfyed of the great necessity and duty that lyes upon you, to doe this as you expect his blessing upon yo^r labours.

Gentlemen, the next thing I have to lay before you is the settlement of their Mat^s Revenue in this Province Their Mat^s are of our own Religion if we are true Protestants, and there are some that have not nor will be wanting in England to make their remarks of yo^r behaviour in this matter. I am a plain man and have had my educacōn in a camp; I doe not pretend to Rhetorick nor the part of an Oratour. I have seen his present Maty expose his person for Our Religion and liberty as he does at this day; it is inexcusable if we doe not place some marke of our dutyfull respect upon their present Mats. A former Assembly of this Province gave the same revenue (to which there is not added one halfpenny) to King James & his heirs which is forever. Their Maties have never ordered a farthing of it to any other use than the support of Government & defence of the Province and not only soe but have sent over more sums more ammunición and greater stores than ever any King before them hath done; beside the payment of the two Companies out their own Coffers and the great expense in maintaining a guard ship for your defence will certainly call for a gratefull sence from loyall subjects. And for us to pretend to settle the Revenue for two years only, is not what might be expected from subjects under so high obligacōns. If we are true Protestants, we cannot easily forgett the great deliverance we have received when we were even upon the brink of popery; besides their Maties examples of virtue & piety in their lives with the consideracōn of this mighty deliverance should influence us to some more than ordinary marke of affection and Esteem & to settle the Revenue (which is very easy to every one) upon their Maties for lives (which pray God may be long & prosperous). It is the least testimony we can give them of our thankfulness for their care of the Government. I have lately received some further royall marks of their care for the defence of Albany, having ordered a sume of money out their own coffers to that purpose.

Gentlemen, lett not opportunity be given to any person to asperse you with that new coind name of *Jacobites*, but let us show a zeal and good affeccion for their Mats and their Government which is all my aim & shall be my endeavour.

I have designed a platforme on which I purpose to mount a battery for the defence of this City which is indeed the safety of the Province. I suppose you have all heard how we have bin lately alarm'd with the noise of a squadron of French ships designed to attack this place. I have viewd the river and sounded in severall parts, in order to raise some fortificacōns to impede their accesse to the City, but at length concluded a good battery upon this platforme would answer the end. I have by their Maties favour unto you guns for one teere; I have wrote for more and shall be the better enabled to ask them or what else there may be occasion for, when you have showed your respects to their Maties in settling the Revenue upon them for their lives.

There is likewise the Kings Chappell in the flort which being ready to fall down to the danger of many lives, I thought it convenient to pull it down, and if you will give something towards the rebuilding of it we will all joyne in soe good a work. If his Maty were not engaged in an expensive warr I should not doubt to have orders to rebuild it at his own charge. I leave these things before you for your consideracon which consists of but three heads; Your duty to God, Your loyalty and affeccion to the best of Kings, and Your own safety and defence.

Soe, *Gentlemen*, you may withdraw to your house. I pray God direct you to proceed in these things which are most consistant with conscience & honour.

The Representatives made a bow & withdrew.

Adjourned till morrow morning.

At A Council held at ffort William Henry, the 13th of September, 1693.

PRESENT—

His Excell BEN. FLETCHER, &c.,

STEPH. CORTLANDT, }
NICH. BAYARD, } Esqrs.
WILLIAM SMITH, }

CHID. BROOKE, }
WILL^m NICOLLS, } Esqrs.
JOHN LAURENCE, }

Resolved, that in case the Representatives doe not proceed to settle the Revenue upon their Maties for their lives, that the Clerk of the Council doe draw up a short Bill for the settling & continuing of the former Bill of the Revenue in all its parts during their Maties lives and that it be sent down to the Representatives for their consent.

His Excell ordered William Pinhorne Esqr to ask of the Representatives if they had any thing ready to offer to *His Excell* and Council this day and that he desire a copy of their daily minutes & votes be sent up to him every night as formerly.

William Pinhorne returned in answer that they had nothing to offer at present and that their Clerke being demanded for his neglect did Answer, that he was to waite upon *His Excell* by four a clock afternoon and his Excell being abroad he did keep them, but that he should bring up to his Excell the votes of both days together this evening.

Adjourned till morrow morning.

At A Council held at ffort William Henry, the 14th of September, 1693.

PRESENT—

His Excell BEN: FLETCHER, &c.,

STEPH. CORTLANDT, }
NICH. BAYARD, } Esqrs.
WILL. SMITH, }
GAB. MONVIELLE, }

CHID. BROOKE, }
WILLIAM NICOLLS, } Esqrs.
WILLIAM PINHORNE, }
JOHN YOUNGS, }

It being signified that there was nothing in the Assembly to be offered this day to *His Excell* and Council, *His Excell*

Adjourned till morrow morning.

At A Council held at ffort William Henry, the 15th of September, 1693.

PRESENT—

His Excell BEN: FLETCHER, &c.,

FRED. PHILIPS, }
STEPH. CORTLANDT, } Esqrs.
NICH. BAYARD, }
WILLIAM SMITH, }

CHID. BROOKE, }
WILLIAM NICOLLS, } Esqrs.
WILLIAM PINHORNE, }
JOHN YOUNGS, }

Vpon the reading a memoriall given in by Coll Andrew Hamilton *Post Master Generall* of the Maine in America concerning the Post Office wherein is set forth the great charge he is at in maintaining the Office being four times soe much as the profits arising thereby, praying that in consideraçon of the conveniency of trade & correspondence it may be supported the first three years by a sallary of 100 £ ^{ps} annum,

Resolved, that in consideraçon of the Great ease in saving the charge of publick expresses and of the great advantage of trade it be forthwith recommended to the Assembly for their consideraçon, and it is hereby recommended accordingly.

Mr Tuthill &c presented an Adresse to his Excellency in Council for the Establishing of a free port in each county in the Island Nassaw, which *His Excell* received & told them he would take it into consideraçon.

Adjourned till the 20th of Septem^r 1693.

At A Council held at ffort William Henry the 20th of September, 1693.

PRESENT—

His Excell BENJAMIN FLETCHER, &c.,

FFRED. PHILIPS,
STEPH. CORTLANDT, } Esqrs.
NICH. BAYARD, }

CHID. BROOKE,
JOHN LAURENCE, } Esqrs.
JOHN YOUNGS, }

Ordered, Mr Pinhorne doe goe to the house of Representatives and minde them the preciousnesse of time and great charge the country is at; therefore they are desired to dispatch their businesse

Mr Pinhorne returned that the Speaker said they were in readynesse to waite upon his Excell immediatly

Vpon the Peticōn of the freeholders of Westchester complaining of the inequality of their Quota of taxes to that of the other Cities and Countyes of this Province, the same is referred to the Representatives for their consideracōn

Mr Theale &c from the house of Representatives presented A Bill against unlawfull seizures & forfeitures; which was Ordered to be read and was read the first time.

Jacobus Cortlandt &c presented to this board the Bill of the Revenue which was Ordered to be read and was read the first time.

His Excell put it to the vote whether it may be for the benefite or prejudice of this Province to passe the Bill against unlawfull seizures & forfeitures.

The whole Council *nemine contradicente* doe vote that the passing thereof will be to the prejudice of the Countrey

His Excell did put it to the vote whether it should be again recommended to the Assembly to passe the Bill for the continuation of the Revenue for their Maties lives or that it should passe this board as they have returned it for five years longer.

The Council *nemine contradicente* are for having this Bill amended and made for their Maties lives and sent back to the house of Representatives for their consent.

Ordered, Coll Steph Cortlandt, Coll Nich Bayard, Chidley Brooke Esqr, William Nicolls Esqr, & William Pinhorne Esqr, be and they are hereby appointed a Committe to consider of and regulate the table of flees.

Ordered, Coll Stephen Cortlandt, Coll Nicholas Bayard, Chidley Brooke Esqr, William Pinhorne Esqr, and Coll Caleb Heathcote be a Committe of this board & they are hereby appointed a Committe of this board to Meet a Committe of the house of Representatives to be thereunto appointed to conferr upon the altering the Bill of the Revenue from five years to their Maties for their lives.

Ordered, that Chidley Brooke Esqr doe deliver a copy of the preceeding order to the Representatives and desire from this board that a Committe of Representatives may be appointed to meet the Committe of the Council for that purpose sometime this afternoone

Adjourned till morrow morning.

At A meeting of the Committees of Council & Assembly at the house of Coll Steph Cortlandt in Newyorke the 20th of September 1693 afternoon.

PRESENT—

Coll STEPH. CORTLANDT,
Coll NICH. BAYARD,
CHID. BROOKE Esqr.,
WILLIAM PINHORNE, Esqr.,
Coll CALEB HEATHCOTE, } of the Council.

Coll PIERSON,
Mr CORTLANDT,
Mr KIP,
Mr WESSELLS,
Mr JACKSON,
Mr STILLWELL,
Mr WHITEHEAD,
Mr RUTGERSON,
Mr EKLANE &
Mr JACOBS, } of the Assembly.

WILL^m PINHORNE Esqr.

Gentlemen,

The occasion of our meeting here is the bill of the revenue which you have passed for five years It is the opinion of His Excell and the whole council that it were better amended and the revenue settled upon their Maties during their lives and that for these reasons :

There is noe easier way to defray the charge of the Government than by a Revenue upon trade & excise of liquors which noe man ever feels and when these five years are expired the charge of the Government must still be supplied.

When the Revenue is settled upon their Maties for their lives, There is not a farthing more given than what you now give nor has his Excellency any benefite thereby other than that by yo^r passing the Complement upon their present Maties who are of our own Religion, have brought us so great a deliverance and have been at such great charge in sending over such quantities of artillery ammunicon & stores for our defence, who maintaine the two companies of Granadeers & a guard ship out of their own Coffers which brings a private benefite unto this Province by the consumption of our provisions and who have made such fair steps for our assistance and the annexation of the neighbouring Colonies that are in a manner unbing'd from Government; His Excellency may be enabled thereby with greater boldnesse & hope of successe to make applicacon unto their Maties for such other favours as are now needfull for the ease of this Province, as four Companies of foot during the warr, the building of a stone ffort at Albany, which would sufficiently secure the frontiers & ease the countrey wholly of the annuall subsidies which being leyed by taxes are become an intollerable burden to the people. We want more artillery, ammunicon; more small arms & oy^r stores of warr; the settling the Revenue upon their Maties for their lives is no more than what our neighbours of Virginia & Maryland have done: One having settled a Revenue upon their Maties their heirs & Successors; the other for their lives.

You may likewise remember the same revenue was given to K. James and his heirs with a tack bill of yo^r priviledges which he did not passe, but A Charter of the same priviledges did passe in the first Assembly after Governor Sloughter's arriveall, tho' that Assembly gave the revenue to their Maties for two years and noe more.

COLL PIERSON.

The Revenue is not Sufficient in this time of warr to defray the charge of the Government and we have it under consideracon to support the Government another way. And the yearly subsidys for defence of the frontiers being raised upon us by taxes, we have continued the Revenue for five years in expectation the warr may be at an end, when we intend to let the Revenue fall and Support the Government otherwise. We expect an annexation of the neighbouring Colonies and it will fall easier then than now at present it would doe, there will be more to bear the burden and it is for that end only we have at this time continued the revenue for five years.

CHUDLEY BROOKE Esqr.

Gentl It seems strange to me you should stand so much in yo^r own light as to neglect the present demand of his Excell and Council who have noe other interest thereby than the good of the Province and desire nothing from you but what is already given. You only put the Complement upon their Maties and thereby enable His Excellency to procure those favours from their Maties for you which will ease you of all your burdens & greivances. Their Maties doe not put a farthing thereof in their Coffers but have allotted all this Revenue for support of this Government, which is indeed a giving of it to your selves; for Government must be supported and you can finde noe easier way than by a Revenue.

MR KIP.

I cannot beleive that their Maties are to be guided by a bare Complement (which is nothing) to study the welfare of the subject nor will they be wanting in any thing for want thereof.

MR CORTLANDT.

Gentlemen Our purses are allways open to their Maties; we wish it were in our power to serve them with 100,000.£ a year; we should be glad to send it them over for their present occasions in the warr, but it cannot be their Maties interest to hurt their subjects; we have not been wanting in giving supplies from time to time nor does it enter in Our thoughts ever to raise a lesse fund for support of y^e Government than the present Revenue, but to settle it upon their Maties for their lives, is presidentall and will be expected by the next Successour and we shall be tyed and Our trade clogged when our neighbours goe free on both hands, and this is our present circumstance. Their trade flourisheth, Ours decays; they draw away both our riches and people; We become oppressed & ridiculed & cannot tell how to help our selves. We have therefore considered of another way to support the Government And of making our selves equall with our neighbour, though at present we must submitt to the burden.

CHUDLEY BROOKE Esqr.

Gentlemen What easier fund can be proposed than this Revenue? If you propose a tax you will finde more dilliculty to gett your neighbours to comply with you in taxes which are always greivous to the poor, and likewise the granting the revenue for their Maties lives will not only enable His Excell to procure the annexacon, but there is alsoe a prerogative conteind in the Letters Patents which is the opening & Establishing of ports & of shutting them up whereby they

must be necessitate to submit to the same revenue or be oblig'd to make use of this port where they must consequently pay the same duties.

WILLIAM PINHORNE *Esqr.*

Gentlemen, it is a mistake to think our trade decays and our neighbours flourish; noe man feels the revenue, it is soe easy, nor doth it influence our trade or the price of our goods. We cannot perceive our trade any wayes lessened. New England are a greater people than we, and considering our number of Inhabitants, our trade is rather better than worse.

Mr CORTLANDT.

S^r I can make it appear that severall sumes of money have been caryed from this place to Rhod Island to purchase rum for Virginia which (were it not for the Groat in the gallon) would have remained with us.

Coll STEPHEN CORTLANDT.

Brother, I must oppose you in this thing; you say that there can be a more easy way than a revenue upon trade & excise upon liquors; in this you seem to oppose yo' selfe, for the taxes come from every poor man in the Government and generally fall heaviest upon them, whereas the Customs are very easy—two P^{t} cent, and fall upon the merchant, and his Comodities are least wanted by the poor and are a great part consumed by Our neighbours. The excise comes altogether from the extravagancy of drinking in taverns which never hurts the poor unlesse they choose to goe thither & spend their money; they may drink what they will at home & pay noe excise for it.

Mr CORTLANDT.

We have some Goods as beaver & peltry pay neer 7 P^{t} cent.

CHIDLEY BROOKE *Esqr.*

That falls upon the merchant; still how is the Countrey hurt by it?

Coll NICHOLAS BAYARD.

I remember Mr Cortlandt you spoak of Our neighbours getting both our trade & Inhabitants. I must remarke to you that it never was the Revenue that made our Inhabitants remove, but the burdensome taxes and more burdensome detachments for Albauy. The revenue is soe small it never was felt to make any difference or to influence the prices of comodities; therefore you can never propose a better or easier fund to defray the charge of Government.

WILLIAM PINHORNE *Esqr.*

Gentl, if you will settle the Revenue upon their Maties for lives, it will be a marke of yo^r respect for them & put his Excell in a better way to serve you in removing the oppressions of taxes & detachments by getting the fronteers secured by four Companies from England & a stone fort built at Albany at their Maties charge.

Mr PIERSON.

Perhaps *Gentlemen* when the five years are over, We may give it for five years more.

CHID BROOKE *Esqr.*

Why not as well give now for their Maties lives? A former Assembly of this Province gave it to King *James* and his heirs which is forever.

Mr PIERSON.

S^r We gave it not to King *James*; it was a conditionall Grant between us and the Duke of Yorke who was then a Subject.

CHID BROOKE *Esqr.*

But it was given to him and his heirs which is forever, and being a Subject yo^r reasons are soe much weaker; it is now only desired of you as an argument to procure the things you want and it seemeth strange you should oppose yo^r own interest.

WILLIAM PINHORNE *Esqr.*

Gentl You have now a fair opportunity to serve yo^r selves by putting it in his Excell power to recommend you to their Maties that you may reap the benefite of his interest at Court which is considerable.

Gentl. You have heard what hath been said for the settling of the Revenue of this Province upon their Maties for their lives, and how little there is to be said against it. I shall not repeat those arguments. I hope you have considered them, And that his Excell can have no other interest by asking this than yo^r own Good & benefite, which is that he hath ever studyed. I hope you are convinced; I shall not insist longer but desire every man to give his free vote, Whether he be for having the bill altered from five years and made for their Maties lives or for continuing it to passe as it is.

The members of Council present Gave their votes severally for their Maties lives.

The Representatives all severally against altering the Bill.

At A Council held at ffort William Henry, the 21th of September 1693.

PRESENT—

His Excell BENJ: FLETCHER &c.,

STEPH. CORTLANDT, }
NICH. BAYARD, } Esqrs.
CHID. BROOKE, }
WILLIAM NICOLL, }

WILLIAM PINHORNE, }
JOHN LAURENCE, } Esqrs.
JOHN YOUNGS, }
CALEB HEATHCOTE, }

The Committe of the Council did report having mett with the Committe of the house of Representatives; they did use many arguments to persuade them to Continue the Revenue upon their Maties for their lives but could not prevaile upon one of them.

His Excell did put it to the vote whether the Bill for continuing the Revenue to their Maties should passe or no?

The Council *namine contradicente* are for passing of the sd Bill without amendment, since the Representatives cannot be prevailed upon to alter it.

Ordered, the Bill for continuing the Revenue to their Maties for five years longer be read a second & third time, which was done accordingly.

The Governor and Council doe consent to the Bill for Continuing the Revenue to their Maties for five years longer with this amendment of the title thereof—that the title of the former Act of the Revenue be mencōned therein and desire the concurrence of the house to that amendment viz: that the title be, A Bill confirming & continuing unto to their Maties the Revenue established by An Act mad: in the fourth year of their Maties reign for the defraying the necessary charge of the Government five years longer than the terme therein mencōned.

Ordered, Coll John Youngs doe present to the Representatives a copy of the preceeding minute & desire the consent of the house to the amendment of the title accordingly.

Ordered, The Bill for setting a Ministry be read a 2^d time, which was done.

His Excell desired the opinion of this board for the adjournment, prorogation or dissolution of this Assembly.

This board *namine contradicente* are for dissolving the Assembly and advise that for the present time it be prorogued to the 10th of January next.

Adjourned till morrow morning.

At A Council held at ffort William Henry, the 22th of September, 1693.

PRESENT—

His Excell BENJ FLETCHER &c.,

FRED. PHILIPS, }
STEPH. CORTLANDT, } Esqrs.
CHID. BROOKE, }

WILLIAM PINHORNE, }
JOHN YOUNGS, } Esqrs.

The Amendment of the title of the Bill of the Revenue done by the Representatives by removing the first sheet and transcribing it with the amendment was ordered to be read three times, which was done, And the Governor & Council doe assent thereunto.

Ordered, the Bill for setting a Ministry be read a third time.

The Bill for setting a Ministry is assented unto by the Governor and Council with this amendment: That in the last sheet between the lines 3^d & 4th be inserted (and presented to the Governor to be approved & collated.

Ordered, William Pinhorne Esqr doe present the sd bill with amendment to the Representatives and desire their consent thereunto and that he doe tell them to despatch the businesse before them, time being precious and a charge growing upon the country.

Mr Pinhorne returned that he had delivered his message; that they made answer they had no businesse before them; they waited his Excell^y pleasure & that they would immediatly dispatch this present bill with amendment.

Adjourned till afternoon.

Postmeridiem, the 22th of September, 1693.

PRESENT—

His Excellency BENJ FLETCHER, &c.,

STEPH CORTLANDT,
GAB. MONVIELLE, } Esqrs.
WILLIAM PINHORNE, }

JOHN LAURENCE, } Esqrs.
JOHN YOUNGS, }

The Clerke of the Council did acquaint the board that the Representatives had refused to amend the Bill for setting a Ministry &c having signified the same under their Speaker's hand annexed to the Bill which was brought up after the Council was Adjourned in the forenoon,

His Excell ordered the Clerk of the Council to acquaint the Speaker That His Excell and Council doe expect his attendance with the Representatives forthwith in the Council Chamber.

Mr Speaker and the members of Assembly being present His Excell said :

Gentlemen

The first Bill I see before me is intituled, A Bill to prevent unlawfull seizures & forfeitures, if it may deserve the name of a bill, for it is very much wanting in forme, soe that it seems strange to me it should passe your house being three times read I caused it to be read in Council & desired the opinion of the board but I found a *nonine contradicte* against it as being very much prejudiciall to the trade of this Province and therefore it is laid aside.

The next is the Bill of the Revenue. I had no other end to ask it for their Maties lives but your own interest and the benefite of this Province ; I did tell you that the whole council were for giving it for life and you have soe litle to say against it that I can attribute it to nothing lesse than stubbornnesse as if you had agreed to deny what is asked you. You have given it for five years and I have passed it. I wish you had considered better your own interest ; but I shall say no more of it.

There is alsoe A Bill for setting a Ministry in this City & some other Countyes of the Government ; in that very thing you have shown a great deal of stillnesse. You take upon you as if you were dictators. I sent down to you one amendment of three or four words in that Bill, which tho' very immateriall yet was positively denied. I must tell you it seems very unmannerly ; there never w^{as} an amendment yet desired by the Council board but what was rejected ; it is the sign of a stubborn ill temper and this have alsoe passed. But

Gentlemen,

I must take leave to tell you if you seem to understand by these words (calling the Minister) that none can serve without your collation or Establishment, you are far mistaken ; for I have the power of Collating or suspending any Minister in my Government by their Maties Lres Patents ; and whilst I stay in the Government, I will take care that neither heresy, sedition, schism, nor rebellion be preached amongst you, nor vice & profanity encouraged. It is my endeavour to lead a virtuous & pious life amongst you & to give a good Example. I wish you all to doe the same. You ought to consider that you have but a third share in the legislative power of the Government and ought not to take all upon you nor be so peremptory ; you ought to let the Council have a share ; they are in the nature of the House of Lords or Upper house ; but you seem to take the whole power in your own hands & sett up for every thing. You have sitt a long time to litle purpose & have been a great charge to the Countrey ; ten shillings a day is a large allowance & you punctually exact it. You have been always forward enough to pull down the flees of other ministers in the Government. Why did not you think it expedient to correct your own to a more moderate allowance ?

Gentl I shall say noe more at present but that you withdraw to your private affairs in the Countrey. I doe prorogue you to the 10th of January next and you are hereby prorogued to the 10th of January next ensuing.

[IN EXECUTIVE SESSION.]

At A Council held at ffort William Henry, the 16th of November, 1693.

PRESENT—

His Excell BENJ FLETCHER, &c.,

FRED PHILIPS, }
NICH. BAYARD, } Esqrs.
GAB. MONVIELLE, }

CHUDLEY BROOKE, } Esqrs.
CALEB HEATHCOTE, }

His Excell. did offer his opinion for DISSOLVING the Assembly by Proclamarōn before the shutting up of the Rivers & assigned the reason that all the Inhabitants may have the benefite of a free choice, none excepted that are not under conviction of High Treason or felony otherwise qualfyd. Which the Council doe approve of.

Writs for a New Election were issued on the 30th Nov. following.

THE FOURTH ASSEMBLY FIRST SESSIONS.

At A Council held at ffort William Henry the first of March, 1693.

PRESENT— *His Excell* BEN: FLETCHER &c.,
 FRED. PHILIPS, }
 STEPH. CORTLANDT, } Esqrs. JOHN LAURENCE, }
 WILLIAM PINHORNE, } CALEB HEATHCOTE, } Esqrs.

His Excell understanding that the Representatives were not yet come to Town to make a full house, did adjourn till morrow morning.

At A Council held at ffort William Henry the 2^d of March, 1693.

PRESENT— *His Excell* BEN: FLETCHER, &c.,
 FRED. PHILIPS, }
 STEPH. CORTLANDT, } Esqrs. JOHN LAURENCE, }
 WILLIAM PINHORNE, } CALEB HEATHCOTE, } Esqrs.

His Excell gave a commicōn to Coll Cortlandt & William Pinhorne Esqr to administer the oaths and Tests to the Representatives in Assembly.

Adjourned till morrow morning

At A Council held at ffort William Henry the 3^d of March, 1693.

PRESENT— *His Excell* BEN FFLETCHER &c.,
 STEPH. CORTLANDT, }
 GAB. MONVIELLE, } Esqrs. JOHN LAURENCE, }
 WILLIAM PINHORNE, } CALEB HEATHCOTE, } Esqrs.

Vpon the peticōn of sundry freeholders of Kings County alleaging that Gerrard Beeckman was chosen Representative by the plurality of voices and Henry filkin returned by the Sheriffe in his room, praying the sd Gerrard be admitted to sit in Assembly

The sd Gerrard being under attainder of High Treason, the peticōn is referred to the Attorney Generall to draw up his opinion in that matter which he is to return unto this board in writing.

The Representatives having attended his Excell in Council, having taken the oaths & test, His Excell bid them returne to their house and choose a speaker.

Adjourned till 3 a clock afternoone.

3 a clock afternoon.

PRESENT— *His Excell* BEN: FFLETCHER, &c.,
 STEPH. CORTLANDT, }
 GAB. MONVIELLE, } Esqrs. JOHN LAURENCE, }
 WILLIAM PINHORNE, } CALEB HEATHCOTE, } Esqrs.

The Representatives presented Lt Coll Henry Pierson to be their Speaker who modestly refused.

His Excell confirmed him and granted to them the priviledges of the former Assembly.

Then recommended to their care and Consideracōn the reinforcement of Albany & the fronteers from the first of May next at least for one year & with as many fusileers as have been there this last year

That it would be a great encouragement aswell to the Inhabitants of Albany as to the fusileers to be paid weekly or every fortnight in money, that therefore they consider of raising a present fund to that purpose, the dilatory coming in of the taxes puting a necessity upon the

soldiers to take up such things as they want upon the Creditt of their pay at great disadvantages from one person

That the Indians are staggering and will want great encouragement by presents if possible to keep them from joyning with our Enemy against us.

That the Charges of the Government, being time of actnall warr, are still great and therefore there will be a necessity of Continuing of the additionall duty raised to pay the debts of the Government during the continuation of the warr.

That they will consider the fort is much out of repair, the Chappell pulled down to prevent its falling, to provide for the rebuilding of it.

That they will think of repairing the fortifications and the making a platforme & battery as His Excell did project it to defend the City, which is the key of the Province, from attempts by water.

And desired them to Consider that the neighbouring Colonies are under great taxes aswell as they are not to despond because of the burden of the warr there being no subjects in Europe under so light burden and small payments at this very day as this Province; so bid them withdraw to their house.

Adjourned till Tuesday morning.

At A Council held at ffort William Henry, the 6th of March, 1693.

PRESENT—

His Excell BEN : FLETCHER &c.,

FRED. PHILIPS,
STEPH. CORTLANDT, } Esqrs.
GAB. MONVIELLE,

THOMAS WILLET,
WILLIAM PINHORNE, } Esqrs.
CALEB HEATHCOTE,

His Excell having gott the opinion of the Attorney Generall and Mr Justice Pinhorne upon the petiçon of the freeholders of Kings County in behalfe of Gerrard Beeckman whom they did affirm to have the plurality of voices for being their Representative,

Ordered, the Clerke of the Council doe deliver the said petiçon with the report of the Attorney Generall and Mr Justice Pinhorne thereupon to the house of Representatives for their Consideracõn.

Cap^t Daniel Whitehead & John Spratt from the house of Representatives desire his Excell^{ty} speech & the Petiçon in favour of Gerrard Beeckman which were given them and recommended to them to consider of the report of the Attorney Generall and Mr Justice Pinhorne upon the sd petiçon.

Ordered, the Clerke of the Council go & inquire if the house of Representatives will have any thing to offer to his Excell & Council this forenoone.

The Clerke of the Council returned in answer from the Assembly, that they have the defence of Albany under their consideracõn, which will take up some time, therefore there will be nothing offered this forenoone.

Adjourned to 8 a clock morrow morning.

At a Council held at ffort William Henry, the 7th of March, 1693.

PRESENT—

His Excell BEN : FLETCHER &c.,

STEPHEN CORTLANDT, } Esqrs.
THOMAS WILLET,
WILL^m PINHORNE,

JOHN LAURENCE, } Esqrs.
CALEB HEATHCOTE,

Mr Jackson, Mr Staats, Mr filkin & Mr Stillwell from the Representatives return thanks from the house for his Excell favourable speech

Mr Blackhall & Mr Van Ekelin from the house of Representatives deliver to His Excell a Bill concerning Pilotage, which being read His Excell & Council having considered that therein all vessells belonging to Newyorke under seven foot draft of water, are excused from payment of the duty for pilotage whereby there cannot be sufficient provision for the pilotts, do therefore desire the bill to be drawn over fair, that these vessells be only excused from duty that are coasters upon the Maine of N. America, and that it may so passe the house in due forme signed by the Speaker.

Ordered, William Pinhorne Esqr & Coll Caleb Heathcote doe deliver the said Bill with the copy of the sd Minute and desire the house to comply therewith accordingly.

Adjourned till morrow morning.

At A Council held at ffort William Henry, the 8th of March, 1693.

PRESENT—

His Excell BEN: FLETCHER, &c.,

STEPH. CORTLANDT, }
GAB. MONVIELLE, } Esqrs.
THO. WILLET, }

WILLIAM PINHORNE, }
CALEB HEATHCOTE, } Esqrs.

D^r Samuel Staats & M^r Van Ekelin from the Representatives, bring a message to his Excell that he will please to order their Maties Coll^r that the Assembly may have the perusall of all the accounts of the Revenue in order to their continuation of the additionall duty during the warr. His Excell desiring the opinion of the board,

This board do agree that the Representatives may appoint some of their house to view the accounts of the Revenue being compleated to the 25th of December last at the Collectors Chamber, where they may have the perusall of his books, vouchers & entrys to their satisfaction;

And the Collector & Receiver Generall is hereby ordered to let them have the perusall of his books & vouchers accordingly.

Ordered, the Clerke of the Council do deliver the copy of this minute to the Speaker forthwith.

Adjourned till morrow morning.

At A Council held at ffort William Henry, the 9th of March, 1693.

PRESENT—

His Excell BEN FLETCHER &c.,

STEPH. CORTLANDT, }
GAB. MONVIELLE, } Esqrs.
THO. WILLET, }

JOHN LAURENCE, }
CALEB HEATHCOTE, } Esqrs.

Ordered, the Clerke of the Council to deliver a fair draft of the Bill for settling Pilotage to the Speaker, and desire it may passe the house.

His Excell ordered the Clerke of the Council to acquaint M^r Speaker that His Excell hath letters to dispatch for England, therefore desires to know if they have any thing to offer this forenoone, that otherwayes he may adjourn.

M^r Pell from the house of Representatives brought up the Bill for pilotage being three times read & passed their house.

The Clerke of the Council did return in answer that they have sent up the Bill for pilotage by M^r Pell and have nothing further at present to offer.

Ordered, the Bill for pillotage be three times read.

The Bill for pilotage being three times read, is assented unto by the Governour & Council & his Excell did sign the same.

Adjourned till tuesday morning 8 a clock.

At A Council held at ffort William Henry, the 13th of March, 1693.

PRESENT—

His Excell BEN FLETCHER &c.,

FRED. PHILIPS, }
STEPH. CORTLANDT, } Esqrs.
GAB. MONVIELLE, }
WILL^m SMITH, }

CHUD. BROOKE, }
WILL^m PINHORNE, } Esqrs.
CALEB HEATHCOTE, }

Adjourned till thursday morning.

At A Council held at ffort William Henry, the 15th of March, 1693.

PRESENT—

His Excell BEN FLETCHER &c.,

STEPH. CORTLANDT, }
GAB. MONVIELLE, } Esqrs.
CHID. BROOKE, }

WILLIAM NICOLLS, }
THOMAS WILLET, } Esqrs.
WILL^m PINHORNE, }

Major Howell & Cap^t Jackson from the house of Representatives deliver in a Bill against unlawfull by-Laws &c passed the Assembly and desire his Excell & Council will assent thereunto.

Ordered, the said Bill be read the first time, which was done.

Ordered, the said Bill be read the second time, which was done.

Ordered, the said Bill have a third reading.

His Excell ordered the reading of a peticōn from the Inhabitants of Suffolke County praying to have a port established at Southold or Southampton, which is taken into further consideracōn.

Adjourned till Monday morning.

At A Council held at ffort William Henry, the 19th of March, 1693.

PRESENT—

His Excell BEN FLETCHER, &c.,

FFRED. PHILIPS, }
STEPH. CORTLANDT, } Esqrs.
WILL^m SMITH, }
GAB. MONVIELLE, }

CHID. BROOKE, }
WILL^m NICOLLS, } Esqrs.
WILL^m PINHORNE, }

His Excell proposed to send a message to the house of Representatives by two members of this board to desire them to expedite the subsidy for the forces at Albany for the ensuing year; to tell them that the same number of forces at least are required for the security of our fronteers (besides what may be expected from the Jerseys or the neighbouring Colonies) as are now there in service; That they think of a fund to pay those whom his Excell hath ordered to continue in the service to the first of May next, who were provided for only to the 15th of March instant; That they order a fund for paying the Soldiers in ready money weekly for their encouragement and of the Inhabitants of Albany;

To tell them likewise that the first of May approacheth & but little time left to prepare the detachments who have been alwayes backward; therefore to desire them to lay all other businesse aside untill the fronteers be provided for.

Which the whole Council do approve and thank his Excell for his care of the Province.

Coll William Smith and William Pinhorne Esqr are desired to cary down this message

Adjourned till morrow morning.

At A Council held at ffort William Henry the 20th of March, 1693.

PRESENT—

His Excell BEN^r FLETCHER, &c.,

STEPH. CORTLANDT, }
NICH. BAYARD, } Esqrs.
GAB. MONVIELLE, }
WILL. SMITH, }
CHID. BROOKE, }

WILLIAM NICOLLS, }
2 WILLIAM PINHORNE, } Esqrs.
1 THO. WILLET, }
2 CALEB HEATHCOTE, }
1 JOHN LAURENCE, }

His Excell ordered a third reading of the Bill against unlawfull by-Laws &c, which being read

His Exeell having put it to the vote whether it shall passe or not, it was caryed in the affirmative, 7 for it; 3 against it.

His Excell did acquaint the Council that he understands by the votes of the Assembly of yesterday, that upon receipt of his message for their expediting provision for the fronteers the Representatives have voted for 120 men to remain one year at Albany and the sume of £2400 for their maintenance, whereof £800 is a surplusage of the 6000 £ tax, raised the last year, And desire the opinion of the Council upon this matter: If 120 men be a sufficient force to secure the fronteers, Declaring that he would not undertake the defence of that Garrison with so small a number

The Council *nemine contradicente* gave their opinion that 120 men is not sufficient to maintain the Garrison at Albany.

Ordered, William Nicolls Esqr do acquaint the house of Representatives that His Excell and Council are of opinion that 120 men, as they have voted yesterday, are not sufficient to secure the frontiers and that his Excell hath declared in Council that he cannot account for the Garrison at Albany with so small force and that His Excell desires to know of them how they designe the application of the 2100 £ and that Mr Speaker, accompanied with the whole house, attend his Excell in Council this afternoone by 3 a clock. Adj.

At A Council held at ffort William Henry the 20th of March, 1693.

PRESENT—

His Excell BEN FLETCHER, &c.,

FRED. PHILIPS,
STEPH CORTLANDT,
NICH. BAYARD,
GAB. MONVIELLE,
WILLIAM SMITH, } Esqrs.

CHUD. BROOKE,
WILLIAM NICHOLLS,
THOMAS WILLET,
WILLIAM PINHORNE,
CALEB HEATHCOTE, } Esqrs.

His Excell ordered the reading of a Bill for settling Establishments &c assented unto by the house of Representatives and sent up for the assent of His Excell & Council; which being read, His Excell put it to the vote if it should passe or not?

Caryed in the negative with a *nemine contradicente*.

The Speaker and Representatives in obedience to his Excell message, come to waite upon his Excell in Council and were admitted. Then His Excell did lay before them the necessity of a good force at Albany, at least equall to what was there last year and did declare unto them that he cannot be accountable for that Garrison with 120 men; that they must not depend upon the help of our neighbours; That he is sensible of their hardships and hath not been wanting in endeavours and solicitations both at home and with the neighbouring Colonies and should be glad as much as any of them to see reliefe come, but that it is farr easier to call back 100 men from thence than to lead 500 up thither upon the approach of the enemy, and used sundry pressing arguments urging their further consideracón of that matter & speedy recesse from that vote. So bid them withdraw to their house.

The Council do unanimously approve of His Excell argument to the Assembly and return their hearty thanks for his care & vigilance for the safety of the Province.

Adjourned till morrow morning.

At A Councill held at ffort William Henry, the 21th of March, 1693.

PRESENT—

His Excell BEN FLETCHER &c.,

STEPH. CORTLANDT,
WILL^m SMITH,
GAB. MONVIELLE,
CHUD. BROOKE, } Esqrs.

WILL^m NICOLLS,
THO. WILLET,
WILL^m PINHORNE,
CALEB HEATHCOTE, } Esqrs.

Vpon the consideracón of the votes of the house of Representatives, It is

Ordered, that William Nicolls Esqr and William Pinhorne Esqr do acquaint them from his Excell & Council that his Excell cannot undertake to defend the frontiers with lesse number of men & Officers than last year; that all he can depend upon from our neighbours is 30 men from the Jerseys; That his Excell will not be wanting in endeavours to get other supplies which, when they come, shall be alwayes disposed for the ease & security of the Province, and that there must be provision made for a Town Maj^r at Albany, being a very necessary Officer in that post.

That his Excell expects that at least they provide for so many men and officers that with the 30 from New Jersey may compleat the number of 200; That some consideracón may be had to raise a fund for presents to the Indians, without which (if at all) their stability and freindship to this Province is not to be thought of; That the sume by their yesterdays vote allotted for contingencies will in no wayes delay the necessary charges that must inevitably happen, and desire the house will dispatch what businesse is before them, their long sessions being very chargeable to the countrey; And further did likewise order that it be recommended to them particularly to take into consideracón what his Excell did offer for the continuation of the additionall duty during the warr.

Adjourned till morrow morning.

At A Council held at ffort William Henry, the 22th of March, 1693.

PRESENT—

His Excell BEN. FLETCHER, &c.,

STEPH. CORTLANDT,
NICH. BAYARD,
WILL^m. SMITH,
GAB. MONVIELLE,
CHID. BROOKE,

} Esqrs.

WILLIAM NICOLL,
THOMAS WILLET,
WILLIAM PINHORNE,
CALEB HEATHCOTE,

} Esqrs.

It appearing by the votes of the house yesterday that the Representatives continue to provide for lesse than 200 men

His Excell desired the opinion of the Council if the know any reason for abateing of the force that was upon our ffronteers last year, considering the Governour of Canida hath gott 700 men recruits last summer from ffrance, and that our Indians are staggering through the discouragment they have received thereby, and by our weaknesse and small appearance upon the ffronteers.

The whole Council unanimously declare their opinion, that there is rather need of greater force upon the ffronteers than last year & that there must be no abatement of that number of officers and soldiers and advise his Excell to send for the whole house as being the only effectuall means to influence them.

Ordered, William Pinhorne Esqr do acquaint the Speaker that his Excell in Council desires His attendance with the whole house forthwith.

The Speaker & whole house being present *His Excell* said

Mr Speaker and You Gentl

I finde you are about to frame a bill for the weakening of the Garrison at Albany, which I declare I can never assent to unlesse you can demonstrate that either the enemy are grown weaker or we stronger.

The same Letters Patent that gives you authority to sit in Assembly make me Captain Generall of this Province, and you must allow me to be a competent Judge what number of forces are needfull to secure the ffronteers; it is Your businesse to provide a subsidy for them. I can command the whole Militia of the Province and am ready to head them upon occasion. I am bound in honour & duty to their Maties to expose my life for your defence, but if you deny subsidy to a sufficient fforce upon the ffronteers you ty my hands and fetter me.

If you are minded to give up the Countrey to the Enemy by weakening that garrison which is the key thereof, I wash my hands of all the evill consequences to follow thereupon, and for this end I sent for you; if you will not help yourselves I can do nothing. It is a foolish argument which I am informed some of you have used, because your neighbours will not assist you to quench yo^r house on fire, you will not endeavour it by the children & servants of your own family. It is true I have received a Commicōn for the Command of the Militia of Connecticut, but they refuse to obey it. I have another Commicōn for the Government of Pensilvania, but you must first converte them before they will either be concerned in the shedding of blood or contribute aid to such as do it. I can do no more but lay this before you. Consider if it be sufficient to suffer our own ruine because our neighbours will not assist us.

There is likewise a necessity for my going to Albany to meet the Indians, and desire you will provide a fund for presents to them. I professe I should be ashamed to see them with lesse forces there or with an empty hand, unlesse it were to take leave of them for good and all, and that it were intended they shall joyn our Enemyes and turn their arms against us; therefore lay it to heart.

Gentl. I think there is but 20 men & six officers more to be provided for and this is all the difference between us; let us part in freindship and don't be wanting to yo^r selves in so small a matter.

I do also remember that it surprized me to finde in your votes that you could not have the view of the Receiver Generalls accounts & vouchers, which he hath declared here were always ready for yo^r pensall whenever you shall order some of your house to view them.

Gentl. I begg your dispatch; time runs away; you have now sit twenty dayes & litle or nothing done; 'twere much more pleasant businesse went on cheerfully at once; therefore withdraw unto your house and Consider it.

Adjourned till morrow morning.

At A Council held at ffort William Henry, the 23th of March, 1693.

PRESENT—

His Excell BEN. FLETCHER &c.,

STEPH. CORTLANDT,
NICH. BAYARD,
THO. WILLET,

} Esqrs.

WILLIAM PINHORNE,
JOHN LAURENCE, } Esqrs.

His Excell ordered the Clerke of the Council to ask Mr Speaker if there were anything to offer this forenoone and to desire their dispatch.

In answer thereunto, Maj^r Wessells &c from the house of Representatives delivered A Bill intituled, A Bill to Enable the City & County of Albany &c

Ordered. the said Bill be read three times.

The said Bill being three times read His Excell and Council do assent unto the same with this amendment: that the year therein mencioned commence from the 15th of May next which will be the determinacón of a former Act for the like use.

Ordered, William Nicolls Esqr do deliver the sd Bill to the house of Representatives and desire their amendment thereof accordingly.

Adjourned till morrow morning

At A Council held at ffort William Henry, the 24th of March, 1693.

PRESENT—

His Excell BEN FLETCHER, &c.,

FFRED. PHILIPS,
STEPH. CORTLANDT,
NICH. BAYARD,
GAB. MONVIELLE,

} Esqrs.

CHID. BROOKE,
WILL^m NICOLLS,
THO. WILLET,
WILL^m PINHORNE, } Esqrs.

His Excell signed the Bill against unlawfull by-Laws &c.

His Excell did acquaint the Council that he hath received Letters from Maj^r Schuyler last night, giving advice that the Indians of the five Nations are in haste to make an agreement of peace with the French of Canida, that there are other Messengers come from Canida to them and they are very desirous to see his Excell forthwith;

That he called an Assembly at Pensilvania who are to meet the 10th of April next where he hath designed to be present, And therefore desired the opinion of the Council which of those services is first to be attended.

The Council are of opinion & advise his Excell to go first to Albany to meet the Indians.

It is also the opinion of the Council that his Excell do Communicate the two letters which he received last night from Albany to the Assembly, and that they be made acquainted that notwithstanding His Excell intention to meet the Assembly of Pensilvania, the Council think it needfull and have advised that his Excell go first to Albany to meet the Indians; that there is at least six hundred pounds wanting towards presents and the charge of this Expedition and no money in the Treary to defray it; That therefore they be desired to provide a fund to defray that Charge either by the continuacion of the additionall duty which will give a Credit to advance the money or some other way which they can thiuk upon is most convenient; which was ordered accordingly

Ordered, Stephen Cortlandt Esqr & William Nicolls do deliver this message to the house of Representatives.

John Pell & Daniel Whitehead presented a Bill from the house of Representatives passed the house intituled: A Bill for the raising & paying 170 men &c, & prayed the assent of the Governour & Council thereunto

Ordered, the same be read the first and second time;

Ordered, a third reading of the Bill for y^e raising & paying 170 men &c.

Vpon the third reading of the sd Bill, His Excell and Council desire an amedment that in pag 8. 3^d line, be inserted:—and such other forces as shall be obtēind and His Excell think fitt for the defence aforesaid; and some other small literall corrections which the Clerke will perceive.

Ordered, Chidley Brooke Esqr and William Pinhorne Esqr do deliver the Bill with amendments and desire the consent of the Representatives thereunto.

Mr Van Ekelan & Mr Blackhall, in answer to his Excell message to the house concerning his Expedition to Albany to meet the Indians with presents, Desire that the necessary Charge be taken up upon the Credit of the revenue for that expedicon.

Ordered, Thomas Willet Esqr desire the Speaker of the Assembly will appoint a Committe of the house to conferr with four of the Council about the charge of his Excell Journey to

Albany & presents to the Indians, who are to meet at 3 a clock this afternoon in their Maties Custome house at the Coll^{rs} office.

Ordered, Coll Cortlandt, Coll Bayard, Chidley Brooke Esqr and William Pinhorne Esqr be a Committee of the Council to conferr with a Committee of the Assembly to be thereunto appointed, at the Coll^{rs} office in the Custome house at 3 a clock afternoone, concerning the charge of his Excell Journey & presents to the Indians.

Adjourned till monday morning.

At A Council held at ffort William Henry, the 26th of March, 1694.

PRESENT—

His Excellency BEN. FLETCHER, &c.,

STEPH. CORTLANDT,
NICH. BAYARD,
GAB. MONVIELLE, } Esqrs.

CHID. BROOKE,
WILLIAM PINHORNE,
JOHN LAURENCE, } Esqrs.

Mr Henry filkin from the Assembly presented A Bill for the Continuation of the additionall duty for one year longer, to commence from the fourteenth day of November next to the 14th of November then next following, & desired the assent of his Excell the Governour & Council,

Which was ordered & read three times.

His Excell the Governour and Council do assent unto the sd Bill being three times read with this amendment: Provided the interest of ten ^p cent annually be mencōned & inserted with the 600 £.

Chidley Brooke Esqr and William Nicolls Esqr are ordered to desire the Assemblys consent to that amendment, which was granted.

His Excell signed the sd Bill amended accordingly.

His Excell signed the Bill intituled, A Bill to enable the City & County of Albany; being amended.

His Excell signed the Bill for raising & paying 170 men &c. amended.

Ordered, the Messenger of the Council do call up the Speaker & the whole house Who giving their attendance His Excell said

Mr Speaker and you Gentl

I have sent for you in order to an adjournment; here are the Acts which I have assented to and are past in this sessions.

The first is that for setting of pilotage, which I beleive will be of litle service when all is done it is doubted that the fund raised for the provision & maintainance of the four pilotts proposed, will not answer the charge.

Then that for the raising 170 men with their Officers for Albany and the fronteers wherein you have used a piece of husbandry which I wish you may have no cause to repent. You have saved 1700 £ by cutting of their pay from a shilling a day to eight pence, which I fear will dishearten the souldiers; some of you have given your opinion that those who served at Albany, did not put any value upon the pay. I confesse it is hard for poor people to leave their families for a twelve month to serve in the fronteers, but I will always beleive that 6 £ a year would have been an encouragement to any poor man that shall go theither; if it answer the end and the fronteers be secured, I am satisfied with anything you can propose for your ease and the ease of the Countrey which you represent. There are now neer Eighty men at Albany who are willing to continue in the service upon some encouragem^t given them by the officers there; I will take care that if any person who is detached for this years service do agree with the Officers for a man in their room, that such person shall have the name of the person who is to serve for him under the officers hand and that they agree with the rolls of the Commissary of musters.

There is also an Act against Unlawfull by-Laws &c. *Gentl*. You are here the Representatives of your Countrey, and are best acquainted with the advantages & disadvantages thereof, especially in matters of this nature. It was your own proposall and I found the Council or most of them to favour it: therefore I would not presume to put any stop to a thing which is proposed by you in behalle of the Countrey as a common benefite especially being seconded with the opinion of the Greatest part of these Gentlemen whom their Maties have named of their Council for this Province; I have passed it into an Act.

That for the Enabling of the City & County of Albany &c. is a continuation of a former Act of Assembly in favour of the City & county of Albany for one year longer which could not be denied. I have passed it into an Act.

And Lastly

There is An Act for the continuation of the additionall duty for one year longer to defray the charge of the presents to be given to th^e Indians & my Journey to meet them; which being a

thing most necessary for their Maties service & the safety of the Province & at my particular instance granted by you, I return you thanks for it. It is also past into an Act.

Gentl. This has been a long sessions, and but litle done, but the time calls me to hasten from you. I am now going to the llronteers & so soon as I return must again travail to Pensilvania to meet the Assembly there, which I have adjourned till the first of May next; must therefore take my leave of you. I think fitt to adjourn you to the 25th of September next and you are hereby adjourned to the 25th of September next accordingly. I wish you all well home to your families; if any of you think fitt to accompany me in the publication of these Laws before you go out of Town, I think to have them read at the town house this afternoone. Farewell.

The End of the first Sessions of the fourth Assembly.

THE FOURTH ASSEMBLY SECOND SESSIONS.

At A Council held at ffort William Henry, the 25th of September, 1694.

PRESENT—

His Excell BEN. FLETCHER, &c.,

FFRED. PHILIPS,
STEPH. CORTLANDT, } Esqrs.
GAB. MONVIELLE, }

CHIDLEY BROOKE, } Esqrs.
JOHN LAURENCE, }

The Clerk of the Assembly giving His Excell to understand that the Representatives of most of the Countyes were not come to Town according to adjournment,

His Excell prorogued the Assembly till the 27th of September instant & they are hereby prorogued accordingly.

At A Council held at ffort William Henry, the 27th of September, 1694.

PRESENT—

His Excell BEN. FLETCHER, &c.,

FFRED. PHILIPS,
STEP. CORTLANDT, } Esqrs.
GAB. MONVIELLE, }

CHIDLEY BROOKE, } Esqrs.
JOHN LAURENCE, }

In consideracōn the Representatives were not yet come to Town, and the Speaker being absent, His Excellency was pleased to prorogue the Assembly to fryday the 5th of October next and they are hereby prorogued accordingly.

At A Council held at ffort William Henry the 5th of October, 1694.

PRESENT—

His Excellency BEN. FLETCHER, &c.,

STEPH. CORTLANDT, }
NICH. BAYARD, } Esqrs.
WILL. SMITH, }
GAB. MONVIELLE, }

CHIDLEY BROOKE, }
2 WILLIAM PINHORNE, } Esqrs.
1 WILLIAM NICOLL, }
JOHN LAWRENCE, }
PETER SCHUYLER, }

The Speaker being come to Town sick and desiring some time of recesse after his Journey, His Excell adjourned till morrow morning.

At A Council held at ffort William Henry the 6th of October, 1694.

PRESENT—

His Excellency BEN FLETCHER, &c.,

STEPHEN CORTLANDT, }
NICH. BAYARD, } Esqrs.
WILLIAM SMITH, }
GABRIEL MONVIELLE, }

CHD. BROOKE, }
WILLIAM NICOLL, } Esqrs.
WILLIAM PINHORNE, }

The Speaker and the whole house being present, His Excell said :

Mr Speaker and you Gentlemen the Representatives of this Province—

As we parted in friendship and a good understanding the last sessions, in our endeavours for their Maties service and the Countrey, so I hope we are now mett again with the same resolutions to give our joynt assistance.

The first thing I thought to acquaint you with, is my transaccōns with the Indians at Albany since I saw you last; but I referr it to these of the house who were witnesses to all that passed.

The peace they have made with Canida will lay us more open to the enemys designs and its needfull we be more watchfull against them.

I recommend to your care the usuall supplies for Albany and the fronteers during the winter which is reckoned the time of greatest danger.

I must also tell you that I finde the ill effects of that husbandry we fell upon the last sessions, in abateing four pence from the mens pay. The hire of the labourer and everything else in this Countrey is dear and we cannot gett men to serve for eight pence; two pence halfe penny will not give them shoes to their feet; the rest goes for their victnalls; they run away in troops seaven at a time; those men we have from the Jerseys are paid twelve pence a day weekly, which discourages our men; the cold weather comes on; the duty is hard, and they cannot serve barefoot.

Gentlemen,

Their Maties have sent us over amunicōn and stores with twenty great guns; it is our duty when the king is so gracious to send us them for our own defence, not to lett them ly in the dirt; the least we can doe is to mount them; it will require money.

The soldiers barracks in this ffort were ready to fall down & kill them; the timber rotten and the walls crackt; with advice of the Councell I have ordered them to be pulled down and are now rebuilding; this will fall likewise under your consideracōn.

I desire you will appoint a Committe of your house to joyne a Committe of the Council to view the ffort and what necessary repairs are wanting.

As for the money which you have raised, I would have you see a particular account of the disposition thereof. Their Maties Coll^r and Rec^r Generall will be ready on all occasions; it is neither sunck into any private pockett nor disposed to any private use.

I understand the Courts of Justice Established by Act of Assembly are to determine in Aprill next. You know the great need & use of their Establishment and will see cause to continue them; so may withdraw to your house. I pray God direct you.

His Excell ordered the reading of a message from the Assembly brought by M^r John Spratt and Cap^t Daniel Whitehead giving his Excellency thanks for his favourable speech and desiring a copy thereof.

Ordered, the Clerke of the Council do send a copy of his Excell speech unto the Assembly.
Adjourned to 9th of October 1694.

At A Council held at ffort William Henry, the 9th of October, 1694.

PRESENT—

His Excell BEN. FLETCHER, &c.,

STEPHEN COURTLANDT, }
NICH. BAYARD, } Esqrs.
GAB. MONVIELLE, }

WILLIAM NICOLL, }
JOHN LAURENCE, } Esqrs.

His Excellency proposed to send the Clerke of the Council to the Assembly with the originall Letter of S^r William Phipps, and that he do acquaint the Speaker that His Excell hath desired assistance and men from each of the neighbouring Colonies for the defence of the fronteers, but has no greater ground to expect any from the rest than from S^r William this season; which is ordered accordingly.

The Clerke of the Council returned in answer from the Assembly that the Speaker in behalfe of the house gave thanks to his Excell for his Care of the Government and that they had nothing to offer this forenoone.

Adjourned till morrow morning.

At A Council held at ffort William Henry, the 10th of Octo^r, 1694.

PRESENT —

His Excell BEN FLETCHER, &c.,STEPHEN CORTLAND,
NICH. BAYARD,
CHIDLEY BROOKE,

} Esqrs.

WILLIAM NICOLL, }
JOHN LAURENCE, } Esqrs.

His Excell ordered the votes of the Assembly yesterday to be read.

His Excell desired the opinion of the Council whether it be for their Maties service and the safety of the Countrey to offer to the Assembly, that if they will give an encouragement to their Maties forces coming over, to provide fourpence P^d day as an addicōn to their pay and for other incidents happening to them against their landing, then his Excellency will excuse the Countrey from more detachments for the future and depend wholly upon those forces and what shall be ordered from Connecticut & the neighbouring Provinces for the defence of the fronteers.

The Council are of opinion that it is for their Maties service, and that a message be sent to the Assembly forthwith.

Ordered, Coll William Smith and William Nicoll Esqr do acquaint the Assembly That his Excell having ever been sensible of the inconvenience of detaching men for the defence of the fronteers from this small Province only, hath applyed himselfe to their Maties for recruits of men from England, and hath likewise taken all proper measures for obtaining assistance from the neighbouring Colonies, though these were intellectuall.

That their Maties have been most graciously pleased to order four hundred men for the defence of this Province with those already here at their Maties charge and the usuall pay, who are daily expected, And that it will be impossible to keep them together in regard they will not be able to subsist upon the pay allowed them in England, and without some further allowance will certainly desert and the Province be exposed to danger and reduced to the same inconvenience.

His Excell therefore did desire the opinion of the Council whether it be for their Maties service and the safety of the Countrey, to offer to the Assembly that if they will give that encouragement to the forces coming over, to provide fourpence P^d day as an addition to their pay and for other incidents, as fire, candle, transportacōn, hospitall &c against their landing, then *His Excell* will excuse them from all detachments of men for the future and depend wholly upon those forces and what shall be ordered from Connecticut and the Jerseys for the defence of the fronteers.

Adjourned till morrow morning.

At A Council held at ffort William Henry the 11th of October, 1694.

PRESENT —

His Excell BEN. FLETCHER, &c.,STEPH. CORTLANDT, }
NICH. BAYARD, }
GAB. MONVIELLE, }

} Esqrs.

CHID. BROOKE, }
WILLIAM NICOLL, }
JOHN LAURENCE, } Esqrs.

His Excell ordered the votes of the Assembly yesterday to be read.

His Excell ordered to Clarke of the Council to desire the Speaker and the whole house to attend him in Council forthwith.

The Speaker and Assembly being present,

His Excell did make mention of their votes yesterday wherein it appears first, that they seem dissatisfyed with the accounts of the Revenue and the disposition thereof;

To which *His Excell* promised to give full satisfaccōn telling them that he hath never drawn one farthing of the Revenue out of the Rec^r Gen^l hands since his arriveall, but by advice and Consent of the Council, saving the Sallary the King allows his Excell and that he will appoint a Committee of the Council, whereof the Rec^r Gen^l shall be one, to Concerte with a Committee of the Assembly men to resolve them in any doubts concerning the Accounts of the expense of the Revenue.

Then turning to their votes concerning rebuilding the barracks and mounting the gunns, did acknowledge that those things were to be done at the charge of their Maties revenue in this Province, if there were enough to do it; but in this time of actuall warr the revenue is anticipated by many great & extraordinary charges, a thing usuall everywhere in time of warr, and those works being absolutely needfull for the safety & preservation of the Countrey, it is but reasonable they give some small matter to cause them be effected.

Next, mentioning their vote upon his Excell message to the Assembly yesterday, did show unto them the insignificancy of that which they are now projecting; it being impossible to gett

men to serve at Albany this winter for two pence a day, Or to keep those already there unlesse their pay be raised (they being encouraged to tary heitherto in expectation of what the Assembly will do for them this sessions) Or to keep the men together who are coming over, when they are told there is no money for them after seven years service, and they can step into the neighbouring Province and have better pay.

His Excell did likewise signify unto the Assembly, that although he knew very well how to exercise a strict discipline over men, Yett must confesse it would go much agst his nature to put men to death for running away, merely from starving by cold weather and nakednesse; it is impossible to do duty on the frontiers in the winter barefoot, Which they ought to consider if they intend to do anything to purpose; then desired they will go together and be unanimous for the Kings service and their own safety, which is all that is intended by his Excell & Council; for a kingdome divided cannot stand.

Adjourned till 2 a clock afternoone.

At A Council held at ffort William Henry the 11th of Octo^r, 1694.

PRESENT —

His Excell BEN FLETCHER, &c.,

STEPH. CORTLANDT,	} Esqrs.	CHIDLEY BROOKE,	} Esqrs.
NICH. BAYARD,		WILLIAM NICOLL,	
GAB. MONVIELLE,			

The Assembly having appointed a Committe of their house and desired his Excell to appoint a Committe of the Council to concerte with their Committe upon the accounts of the revenue;

His Excell did appoint Col Stephen Cortlandt, Col Nicholas Bayard, Chidley Brooke Esqr and William Nicoll Esqr, A Committe of the Council to conferr with them about the accounts of the disposition of the revenue, to meet at the Custome house at eight a clock to-morrow morning.

Ordered, the Cl of the Council do give the Assembly notice that His Excell has appointed a Committe of the Council to meet the Committe of their house to-morrow morning, and inquire if the house has anything to offer this afternoone to his Excell; who brought answer, meaning they had nothing to offer this afternoone.

Adjourned till Saturday morning.

At A Meeting of A Committe of the Council and Assembly at the Custome house the 12th of October 1694.

PRESENT —

COLL STEPH. CORTLANDT,	} of the Assembly.	PETER DELANOY,
COLL NICH. BAYARD,		Maj ^r HOWELL,
CHIDLEY BROOKE, Esqr.,		DANIEL WHITEHEAD,
WILL ^m NICOLL, Esqr.,		

Their Maties Rec^r Generall produced to the Committe his Commicōn for allowance of his salary.

A Copy of his Excell commicōn touching the disposition of the revenue was read and the Rec^r Gen^l Books were laid open for the perusall of the Committe of Assembly for their satisfaccōn.

At A Council held at ffort William Henry the 13th of October, 1694.

PRESENT —

His Excell BEN FLETCHER, &c.,

FRED. PHILIPS,	} Esqrs.	CHIDLEY BROOKE,	} Esqrs.
STEPH. CORTLANDT,		WILLIAM NICOLL,	
NICH. BAYARD,			

His Excell ordered the votes of the house to be read.

The Committe of the Council appointed to conferr upon the Accounts of the disposition of the Revenue do report, that pursuant to his Excell^s order they did meet with the Committe of the Assembly and did show unto them that Clause of his Excell Commicōn touching the disposition of the revenue, the Rec^r Gen^l Commicōn & all his books & vouchers for their satisfaccōn.

His Excell considering the votes of the house yesterday, wherein the Bill for the raising and paying Eighty men for the reinforcing the fronteers is ordered to be engrossed, was pleased to declare that he could not undertake the defence of the fronteers with eighty men this winter, nor under one hundred to be added to those already there, to be paid twelvecence a day with incidents of transportacōn;

That at his Excell last being at Albany he found the forces there ready to mutiny by reason our neighbours allow their men twelve pence a day, and they have but eight pence, and to quiet & keep them from deserting hath promised to use his interest with the Assembly for increasing their pay accordingly;

And thereupon required the opinion of this board what is fitting to be done.

It is the unanimous opinion of the Council that a message be sent from his Excell to the Assembly signifying the same, and that in case the Assembly shall not think fitt to give that reasonable assistance towards the defence of the fronteers which is necessary, his Excellency must be forced to take such measures for the mantaining the fronteers this winter, as their Maties Lres Patents do Impower him and the exigency of that affair shall require.

Ordered, Coll Nicholas Bayard and William Nicoll Esqr do deliver this message to the Assembly.

Adjourned till afternoone.

At A Council held at ffort William Henry the 13th of October, 1694.

PRESENT —

His Excell BEN FLETCHER, &c.,

FRED. PHILIPS,
STEPH. CORTLANDT, } Esqrs.
NICH. BAYARD,

CHIDLEY BROOKE, } Esqrs.
WILLIAM NICOLL,

His Excell caused the answer of the Assembly to the message sent in the forenoon by Coll Bayard & Mr Nicoll, to be read and entered in these words viz^t

House of Representatives for the Province of N. yorke
Die Sabati, A. M. Octo^r 13th 1694.

Vpon the serious consideracōn of the message sent down by His Excellency and Council by Coll Bayard and William Nicoll Esqr, This house is humbly of opinion that if his Excellency will be pleased wholly to take of the detachments of men out of this Province and raise one hundred men in the neighbouring Colonies for the reinforcing and securing the fronteers of this Province at Albany for this winter season, from the primo November next untill the 15th day of March following, that then this house will raise the sume of seven hundred pounds for the paying and mantaining the said one hundred men, so that this Province may be eased and wholly freed from the detachments of men, a thing so greivous to the Province in generall.

By order of the house of Representatives,

HENRY PEARSON, Speaker.

It is the opinion of the Council that this cannot be received as an answer to the message sent by His Excell.

Ordered, Coll Steph Cortlandt, Coll Nicholas Bayard, Chidley Brooke Esqr, & William Nicoll Esqr be a Committee of the Council to consider what returne to be made to the Assembly upon this answer.

The Clerke of the Assembly having delivered to his Excell a Copy of this days votes and acquainted that the Assembly are adjourned till munday morning.

His Excell adjourned till munday morning.

At A Council held at ffort William Henry, the 15th of October, 1694.

PRESENT —

His Excell BEN FLETCHER, &c.,

GAB. MONVIELLE, }
CHID. BROOKE, } Esqrs.
WILLIAM NICOLL,

WILLIAM PINHORNE, } Esqrs.
JOHN LAURENCE,

The Committe appointed to consider what returne to be made to the Assembly upon their answer to his Excell message, give their report in these words viz^t.

In obedience to an order of his Excell in Council this day,

We have examined and considered the opinion of the Assembly delivered on Saturday in answer to the message then sent them by his Excellency and Council, and do humbly offer—

That we cannot conceive the sd opinion to be any suitable or proper answer to the message sent them in the morning, & that the proposall in the same is very unfit for his Excellency to comply with, as being impossible with that same to be effected & wholly inconsistent both with his Excellency's honour and the defence and safety of the Province.

Which was approved of by the Council *unanimè contradicente*. And

Ordered William Pinhorne Esqr and John Laurence Esqr do deliver it unto the Assembly. Adjourned till morrow morning.

At A Council held at ffort William Henry, the 16th of Octo^r 1694.

PRESENT —

His Excell BEN FLETCHER, &c.,

FFRED. PHILIPS,
STEPH. CORTLANDT, } Esqrs.
NICH. BAYARD,
GAB. MONVIELLE, }

CHIDLEY BRÖOKE,
WILLIAM NICOLL,
WILLIAM PINHORNE, } Esqrs.
JOHN LAURENCE, }

His Excellency ordered the reading of the votes of Assembly yesterday, whereby it appeared that immediatly upon their receiving the Report of the Committee of the Council sent them yesterday, they did order the Bill for eighty men and four hundred pounds to be carryed up to his Excellency.

Ordered, the Bill for raising eighty men &c be read the first time.

His Excellency desired the opinion of the Council if it is proper for him to passe such a Bill into an Act.

Ordered, Coll Stephen Cortlandt, Coll Nich Bayard, Chidley Brooke Esqr and William Nicoll Esqr be a Committee of the Council to consider of amendments of this bill.

Ordered, the sd Bill for raising eighty men be read a second time.

The Committee having agreed upon the amendments of the Bill for raising eighty men &c

Ordered, the said Bill and amendments to be read a third time.

His Excellency the Governour and Council do consent to the said Bill with the following amendments viz^t—that instead of eighty men, be raised one hundred men; and that there be money levyed to pay them and the others already at Albany from this time forward one shilling a day with the incidents.

Ordered, the Bill to encourage the making of rape and lintseed Oyle, to be read the first time.

Ordered, the Bill for settling Courts of Judicature be read the first time.

The Bill for settling of Courts of Judicature being read,

Ordered, Coll Stephen Cortlandt, Coll Nicholas Bayard, Chidley Brooke Esqr & William Pinhorne Esqr or any three of them be a Committee to consider of amendments to be made in the sd Bill.

Adjourned till morrow morning

Att A Councill held at ffort William Henry, the 17th of October, 1694.

PRESENT—

His Excell BEN FLETCHER, &c.,

FFRED. PHILIPS,
STEPH. CORTLANDT, } Esqrs.
NICH. BAYARD,
CHID. BROOKE, }

WILLIAM NICOLL,
THOMAS WILLETT, } Esqrs.
WILLIAM PINHORNE,
JOHN LAURENCE, }

His Excellency caused the answer of the house to be read, wherein they persist deny any further supply of money and any more men than eighty. Then desired the opinion of the board whether the Bill for the eighty men ought to passe or be rejected: offering that if it passe it will be presidentall to the Assembly for the future to assume unto themselves the sole power of being Judges both of the numbers of men needfull for the defence of the fronteers and what pay is proper for them &c; if the Bill be rejected what is next to be done to secure the fronteers?

His Excellency did acquaint the Council that he had drawn up something which he did intend to offer to the Assembly and caused it to be read.

Ordered, the Bill for eighty men be read a third time with the Assemblys answer upon the amendments.

The Bill for eighty men being read a third time, It is the opinion of the Council *nemine contradicente* that it gives not a sufficient supply for the preservacōn of the frontiers & ought to be rejected.

Ordered, the Bill for Isaac Lanser encouragem^t to make rape & lint seed Oyle be read a second time.

Ordered, the same Bill be read a third time.

This Bill being three times read the same is assented unto by the Governour and Council without amendment.

Then His Excell signed the sd Bill and ordered it to be enrolled under the seal of the Province.

Ordered, the Clerke of the Council do acquaint the Assembly that his Excell hath passed the Bill for making rape & lint seed Oyle into an Act, And that his Excell commands the Speaker and the whole house to attend him forthwith in Council which was done.

The Speaker and the Assembly being present,

His Excell did affirme the great care and affection he had for the wellfare & safety of the Province; that he had put in writing what he hath now at present to say to them & ordered to be read as followeth:

Mr Speaker and you Gentlemen of the Assembly—

The message you sent me on Saturday last cannot be allowed an answer to what I have proposed to you for the Safety of this Province; it bears a very unsuitable returne to the favours their Majesties have graciously cast upon us at this time when they are soe many weighty affairs in hand and their expenses so great.

I did always look upon the detachments to be a heavy burthen more greivous than the taxes; it depopulates the Countrey.

To lighten the weight or remove it if possible, I have with an humble vigour represented yo^r case to their Maties for assistance from the neighbouring Colonies and received their gracious Letters and Commands to that end, and pursuant to them I have wrott letter after letter to the respective Governours, but the successe has not answered my endeavours; only the Jerseys have generously complied & sent us both men and money.

Being defeated in my hopes and expectation of supplies from the adjacent Colonies, I then applied myself to their Majesties, not only for arms and stores of warr, but men to compleat those two Companies and to make a standing force of four hundred men for the security of this Province and to ease them of this great pressure, Detachments. To which applicacōn their Maties were pleased to condescend, notwithstanding the vast charges they are att in maintaining their fleet and army.

Their Maties pay is but eight pence a day this Countrey money; so much English in England Ireland or Flanders enables a private souldier to live better, as to meate drink and cloaths, than twice that sume will doe in this Province, and I am taught by experience that those men now upon the way to our releife, can never be kept together for that pay; they will be told so soon as they land that in seven years service there is no money for them, not so much as to buy shoes, stockings and shirts; how can they passe upon duty without those conveniencies or indeed how can they live; two pence sterling is stopt from them in the pay office, five pence half penny here for provision; what remains is quickly summed up.

I did propose therefore that you would consider to advance four pence a day for their encouragement and a suitable fund to defray the incidents of bedding, barracks, transportation, hospitall, fire, candle &c or if it be more agreeable to yo^r thoughts, follow the good example of Barbados, Antegua, Nevis &c. who in gratitude to their Maties favour and kindnesse have raised a sume to defray all the quarters of both officers and souldiers sent to their releife, though the money there is more valuable than ours considerably. I have shown Mr Speaker their Maties Establishment for these men and am well assured they are now on their way.

I cannot easily and on the suddain apply myselfe to their Maties for fresh succours, nor know how to excuse yo^r ingratitude, if after all my endeavours for your safety and to ease you from detachments which you say are so greivous, you will frustrate what has cost so much pains to bring to this fair issue.

If the Province suffer by your neglect, wilfullnesse or stubbornnesse, I shall wash my hands clean from all the evill consequences.

And to conclude, you must allow that I am their Maties Captain Generall, by the same power that you are called to Act as an Assembly; and as I have been tender of your priviledges, so I shall endeavour to preserve my own, and since you take no notice of my former proposall, I must tell you once more, I cannot lessen the number of one hundred men added to those already there, there being the same reasons for it as we had the last year. The enemy is stronger, we ought not to weaken our own hands; if you'll open the gates to the enemy, I will put no hand of mine to so vile a worke, and therefore desire you will raise twelve pence a day for the hundred men and to make up the pay of those already there to be twelve pence from this time forward, without which they cannot subsist.

Adjourned till morrow morning.

Att A Council held at ffort William Henry, the 18th of Octo^r, 1694.

PRESENT —

His Excell BEN: FLETCHER, &c.,

STEPH. CORTLANDT, }
 GAB. MONVIELLE, } Esqrs.
 CHID. BROOKE, }

WILLIAM NICOLL, }
 THOMAS WILLET, } Esqrs.
 WILLIAM PINHORNE, }

His Excell ordered the votes of the house yesterday to be read.

Adjourned till morrow morning.

Att A Councill held at ffort William Henry, the 19th of Octo^r, 1694.

PRESENT —

His Excell BEN. FLETCHER, &c.,

NICH. BAYARD, }
 GAB. MONVIELLE, } Esqrs.
 CHIDLEY BROOKE, }

WILLIAM NICOLL, }
 THOMAS WILLET, } Esqrs.
 WILLIAM PINHORNE, }

His Excell caused to be read the votes of the house and the answer of the Assembly to his Excell^s last speech to them, which was prepared by a Committe of Assembly, approved by the whole house and sent up to his Excell; which his Excell referred to the consideracōn of this board.

Chidley Brooke Esqr delivered in the state of the taxes in a scheme.

Ordered, the Clerke of the Council do deliver to the Assembly the present State of the taxes given in by the Rec^r Gen^l, and acquaint the Assembly that the Council have under consideracōn their returne to his Excell^s last speech, and that their opinion thereof will be signified to the Assembly in writing by two a clock this afternoone by Chidley Brooke Esqr & William Pinhorne Esqr.

The Council having considered the report of a Committe of the Assembly, Signed Peter De La Noy Chairman, and approved by the house, then sent up to his Excell

It is the Opinion of this board that the manner of expressing thankfullnesse is more proper by gratefull accōns than bare words, and without all doubt more acceptable to their Maties, satisfactory to his Excell and more effectuall for the security of the Province.

It is true that the allowance of eight pence a day has been usuall and that of twelvecence has alsoe been used; nor has eighteen pence a day some time been thought too much; the price of cloaths and other necessaryes being inhaunced, the wages of mechanicks and comon Labourers much raised, due regard ought to be had of a proporecōnable increase in the reward & subsistance of Souldiers, who are to ly upon the ffronteers where other imployment for them is not to be found.

That the money already raised in the Province has neither been burthensome nor the Colony thereby impoverished; having been spent and consumed within the same: but the necessity of Detachments has much weakened & depopulated the Government.

That by God's blessing upon the endeavours have been used, this Province since the settlement of the Government by the Crown, has suffered no considerable spoile from the enemy; a happinesse some of our neighbours who have been at much greater expense have not enjoyed.

The inconvenience which is found by allowing the men only eight pence a day, is the reason twelve pence has been required; it is practised by some of our neighbours & others allow more, and the encouragement mencōned relates only to those who are mercenaries; those whose circumstances oblige to go in person reap no advantage thereby.

This board doth not conceive that (Excepting the ffronteers of Albany &c and the losse the Province sustains by the departure of its youth for fear of detachments,) we are any ways debilitated by the warr, but absolutely as able if we were willing to pay the men twelve pence as eight pence a day; that the winter approaches and what the Assembly think fitt to do ought to be done quickly; and if any misfortune should happen (which God prevent) for want of men or the increase of their pay, the fault can neither be imputed to *His Excell* nor this board.

And that since the Assembly have no more regard to his Excelleney's proposall for easing the Countrey of detachments which have been so greivous, and that they agree to the raising One hundred men for the defence of the ffronteers, they be desired to proceed to prepare that Bill and to provide to pay them twelve pence a day and for other incidents. Which is approved of by his Excellency and

Ordered, A Copy thereof be delivered to the Assembly by Chidley Brooke Esqr & William Pinhorne Esqr, and that they desire the Assembly to proceed accordingly without further lesse of time.

Adjourned till morrow morning.

Att A Council held at ffort William Henry the 20th of October, 1694.

PRESENT—

His Excellency BEN FLETCHER, &c.,

STEPH. CORTLANDT,
NICH. BAYARD,
GABRIEL MONVIELLE,
CHIDLEY BROOKE, } Esqrs.

WILLIAM NICOLL,
THOMAS WILLET,
WILLIAM PINHORNE,
JOHN LAURENCE, } Esqrs.

His Excell ordered the votes of the Assembly yesterday to be read.

It appearing by the votes of the house that the money the Assembly propose to raise for the hundred men, will fall short of their pay and incidents at eight pence a day,

Ordered, William Nicoll Esqr do immediately go to the Assembly and informe of this computation to save time.

Maj^r Howell from the Assembly, brought up a Bill for the raising of one hundred men & five hundred pounds for the reinforcement of Albany for four months and one halfe, together with a message in answer to that by William Nicoll Esqr concerning the computation, whereby they promise to raise ten pounds more to compleate the charge the next sessions of Assembly; & prayed this Bill may be accepted at present in consideracōn it is engrossed and ready.

Ordered, this Bill be read the first time.

Ordered, Coll Steph Cortlandt, Coll Nich Bayard, Chidley Brooke Esqr, William Nicoll Esqr & William Pinhorne Esqr be a Committe of this board to consider what papers and messages passed between his Excell and Council & Assembly this sessions are proper to be printed & published for the satisfaccōn of the people.

Ordered, the Bill for one hundred men &c be read a 2^d time.

His Excell ordered their Maties letter concerning the rebuilding the Chappell in the fort to be read, and desired the opinion of the board.

It is the opinion of the Council, it be recommended to the Assembly forthwith, and that they be desired to provide for the rebuilding the Chappell according to the intent of the said Letter.

Ordered, William Nicoll Esqr do carry the said letter and desire the answer of the Assembly in writing to be returned with the Letter.

His Excell the Governour & Council do consent to the Bill for the raising one hundred men with this amendment:—

That in the beginning thereof, insteade of the Representatives convened in Gen^l Assembly taking into their consideracōn the necessity of reinforcing the fronteers; be inserted, taking into consideracōn that part of his Excell^s speech for the reinforcing &c

Adjourned till the 22th of Octo^r instant.

Att A Council held at ffort William Henry the 22th of Octo^r, 1694.

PRESENT—

His Excell BEN FLETCHER, &c.,

FFRED. PHILLIPS,
STEPH. CORTLANDT,
NICH. BAYARD,
GAR. MONVIELLE, } Esqrs.

CHID. BROOKE,
WILL^m NICOLL,
WILLIAM PINHORNE,
JOHN LAURENCE, } Esqrs.

The Bill for the raising one hundred men &c. was ordered to be read a third time; being amended and agreed unto by the Assembly, then enacted & ordered by *His Excell* to be enrolled under the seal of the Province.

Resolved, the said Act be forthwith published and the Assembly be sent for to attend the publication;

Which was ordered accordingly.

After the publication of the Act for raising one hundred men &c and the Act for the encouragement of Isaac Lanser, to make rape & linseed Oyles within this Province, *His Excell* returned with the Council and ordered the reading the vote of the Assembly concerning the rebuilding the Chappell, and the Kings Letter.

The vote of the Assembly concerning the rebuilding the Chappell in their Maties ffort being read, it is the result of this board that the message sent on Saturday last with his Maties Letter was not to entreat the advice of the Assembly in what method his Excell should proceed in effecting his Maties pleasure, but to know of the Assembly what they will contribute, in pursuance of that letter, towards so good a worke by establishing some fund for that purpose; it being the opinion of this board that the most loyall and proper way for all their Maties subjects freely to contribute, is by Act of Assembly.

And that his Excell will please to lett them know the same, and desire their plain answer thereupon; which is ordered accordingly, and that Col Steph Cortland & William Pinhorne carry down this message to the Assembly.

Adjourned till morrow morning.

At A Council held at ffort William Henry, the 23th of Octo^r, 1694.

PRESENT—

His Excell BEN FLETCHER, &c.,

COL. STEPHEN CORTLANDT,
GAB. MONVIELLE,
CHIDLEY BROOKE,

} Esqrs.

WILLIAM NICOLL,
WILLIAM PINHORNE, } Esqrs.

Ordered, the votes of the house yesterday be read.

Ordered, The Clerk of the Council do attend M^r Speaker to know if there be any thing to be offered to his Excell in Council this forenoon.

The Speaker made answer that they had prepared a Bill which was read two times & ordered to be engrossed, and would be in readynesse to be sent up against two a clock this day.

Adjourned till 2 a clock afternoone.

At A Council held at ffort William Henry, the 23th of October, 1694.

Afternoone.

PRESENT—

His Excell BEN FLETCHER, &c.,

COL. STEPHEN CORTLANDT,
GAB. MONVIELLE,
CHIDLEY BROOKE,

} Esqrs.

WILLIAM NICOLL,
WILLIAM PINHORNE, } Esqrs.

Maj^r Pell from the Assembly delivered to his Excell in Council a Bill Intituled, A Bill for continuing the additionall duty for one year longer for the raising 600.£ towards the rebuilding the Chappell and mounting of sixteen great gunns &c.

Ordered, the sd Bill be read the first time.

Ordered, A second reading.

His Excell desired the opinion of the board whether to adjourn, prorogue or dissolve the Assembly.

The Council give their opinion that the Assembly be prorogued till the first of March next, which they humbly submitt.

Ordered, the Bill for continueing the additionall duty &c be read a third time.

His Excell the Governour & Council do consent unto the sd Bill being three times read, without amendment.

His Excell ordered the Cl. of the Council to tell M^r Speaker that His Excell commanded the Speaker and the whole house forthwith to attend his Excell in Council Chamber.

The Speaker and Assembly being present,

His Excell signed to the Bill for continuing the additionall duty for one year longer &c; Enacting it & ordered it to be enrolled under the seal of the Province. Then told them that this Act being their kindnesse to their Maties, in obedience to the Kings Letter, he was obleiged as a faint Representative of so great a Prince, to returne thanks for it; wishing they had expressed their kindnesse earlyer, and after many arguments used to diswade the Assembly from groundlesse jealousyes & ill opinions conceived by mistakes against their Superiours, and of the misapplication of the Revenue; did perswade them to be unanimous and to have a good understanding with the members of Council who were all interested in the prosperity and welfare of the Countrey as much as any of them; and wished that as they are now to part in love & friendship, so they meet again with a joynt resolution for their Maties service & the prosperity of the Countrey. Then prorogued the Assembly to the first of March next ensuing.

the end of the 2^d Sessions of ye 4th Assembly.

FOURTH ASSEMBLY THIRD SESSIONS.

At A Council held at ffort William Henry, the 21th day of March, 169 $\frac{1}{2}$.

PRESENT—

His Excell BEN FLETCHER, &c.,

STEPH. CORTLANDT, }
NICH. BAYARD, } Esqrs.
CHID. BROOKE, }

WILL^m NICOLL, }
JOHN LAURENCE, } Esqrs.

His Excell understanding that there was not a full house did adjourn to the 23th of March instant.

At A Council held at ffort William Henry, the 23th of March, 169 $\frac{1}{2}$.

PRESENT—

His Excell BEN. FLETCHER, &c.,

STEPH. CORTLANDT, }
NICH. BAYARD, } Esqrs.
GAB. MONVEILLE, }
CHID. BROOKE, }

WILL^m NICOLL, }
JOHN LAURENCE, } Esqrs.
CALEB HEATHCOTE, }

His Excell required the Clerke of the Council to go to the Assembly and in his Excell^t name command the Speaker and the whole house to attend his Excell forthwith in the Council Chamber.

The Speaker and the whole house being present, His Excell said :

Mr Speaker and you Gentlemen the Representatives of this Province—

I have often affirmed an undisputable truth that my coming to this Government was in obedience to their Maties commands not my own choice or seeking.

Neverthesse since my arriveall I have with all possible addresse applyd my selfe to effect the safety, liberty, concord and ease in all respects of their Maties subjects under my direccōn.

The burthen of detachments has been almost insupportable ; a heavy greivance ; this I have endeavoured to lighten by supplys from England, in which Their Maties have been graciously pleased to favour my humble desires, and that the full complement is not yet come must be attributed to that Providence which all mankind ought with humility to submitt to, and not in the least to want of their Maties gracious condescention to my solicitous and repeated requests in behalfe of this Province, or defects of any fit applicacōn on my part to attain the desired end.

In disposall of the money raised by Act of Assembly for defence of the ffronteers, I have used an unpresidented caution, plainnesse and integrity ; not fingering any farthing my selle ; disposing of none but by advice and consent of Council and exposing to your view and examination, not only the most minute accounts of the disbursements, but the muster rolls also ; which office of muster Master is executed by a member of your house so that nothing is hid from you.

If this my care diligence and opennesse had met with a suitable reception and confidence, I have not the least doubt but this Colony had found the security and ease I intended and soe earnestly endeavoured. I am sorry to justify myselfe by a necessity imposed on me of charging whatever is deficient on the wilfulness or neglect of others.

I will not enlarge especially upon any thing which may seem harsh, though accompanied with never soe much truth.

The Cheife matters you are called together for are two ; the first is the defence of the ffronteers and of our Indians. You cannot be ignorant that money is wanting to pay those garrisons Albany and Schenectady ; other places must be fortified upon this nearer approach of the french to Cadaraequi.

I lay before you the last accounts from those parts ; if there be not a speedy care taken for releife and assistance to those Indians, their losse will prove ours.

The other matter fitt for your consideracōn is the debts of the Government, occasioned by the many unforeseen occurrenyes and accidents in this time of warr.

I hope as I have not been wanting in all points of good husbandry, soe you will doe your duty in enabling their Maties to preserve their rights and the lives and propertyes of their subjects in those parts and that they who have given faith to the Credit of the Government upon all its emergenyces, may be justly and speedily paid.

Those I earnestly recommend to you and that you will give such dispatch to those urgent affairs as their absolute necessity and the season of the year requires.

Then the Speaker and the whole house withdrew to their house.

His Excell ordered the Clerke of the Council to go inquire of Mr Speaker if he think the Assembly will have anything to offer this forenoone, and to what time he thought to adjourn the house; which was done and the Cl of the Council returned with Peter De Lanoy and Maj^r Howell from the Assembly, to acquaint His Excell that there will be nothing offered by the house to his Excell this day, and that the Speaker did intend to adjourn till 8 a clock munday morning. And they did desire a copy of his Excell^s speech to the Assembly, which was given them.

Adjourned till the 26th of March 1695.

At A Council held at ffort William Henry, the 26th day of March, 1695.

PRESENT—

His Excell BEN FLETCHER, &c.,

STEPH. CORTLANDT,
GAB. MONVIELLE,
CHID. BROOKE, } Esqrs.

WILLIAM NICOLL,
CALEB HEATHCOTE, } Esqrs.

Maj^r Rutsen and Mr Blackwall from the Assembly brought a message desiring a Committe of the Council may be appointed to conferr with a Committe of the Assembly concerning the security of the ffronteers.

His Excell did appoint Coll Steph Cortlandt, L^t Coll Gab Monvielle, Chidley Brooke Esqr, William Nicoll Esqr, and Coll Caleb Heathcote to joyne the Committe of the Assembly and conferr about supplies for the security of the ffronteers to meet this day.

Ordered, L^t Coll Gab. Monvielle deliver this minute to the Assembly.

Adjourned till morrow morning.

At A Council held at ffort William Henry, the 27th day of March, 1695.

PRESENT—

His Excell BEN FLETCHER, &c.,

NICH. BAYARD,
GAB. MONVIELLE,
CHID. BROOKE, } Esqrs.

WILLIAM NICOLL,
JOHN LAURENCE,
CALEB HEATHCOTE, } Esqrs.

The Committe appointed to meet the Committe of the Assembly did report, That in obedience to his Excell^s Commands they have acquainted the Committe of the Assembly of the necessity to secure the ffronteers and there will be supplies wanting for 200 men for one halfe year at least.

His Excell ordered to be read a message from the Assembly whereby they desire to have the musterrolls of the two last detachments sent down to them, and his answer thereunto that the muster master is at this juncture absent in their Mat^{ies} service upon the ffronteers, so that his Excell cannot at present show the musterrolls; therefore his Excell desires they will proceed to the raising a supply for the ffronteers for two hundred men as formerly desired.

Adjourned to fryday the 29th of March 1695.

At A Council held at ffort William Henry, the 29th day of March, 1695.

PRESENT—

His Excell BEN FLETCHER, &c.,

STEPH. CORTLAND,
NICH. BAYARD,
GAB. MONVIELLE, } Esqrs.

CHIDLEY BROOKE,
JOHN LAURENCE,
CALEB HEATHCOTE, } Esqrs.

His Excell sent the Cl of the Council to inquire if the Assembly had anything to offer to his Excell and Council this day; who returned in answer, that there was nothing to be offered this forenoone.

Adjourned till the second of Aprill.

At A Council held at ffort William Henry, the 2^d of Aprill, 1695.

PRESENT —

His Excell BEN FLETCHER, &c.,

STEPH. CORTLANDT,
NICH. BAYARD,
CHID. BROOKE,
WILLIAM SMITH,

} Esqrs.

WILL^m NICOLL,
WILL^m PINNHORNE,
CALEB HEATHCOTE,

} Esqrs.

His Excell commanded the votes of the house yesterday to be read in Council, and an Adresse of the Assembly, to be adjourned untill such time they have the perusall of the musterrolls.

His Excell demanded the opinion of this board if it be proper or convenient for their Maties service to adjourn the Assembly untill they can have the perusall of the musterrolls, and if it be needfull for the Assembly to see the musterrolls before they proceed to raise supplies to secure the ffronteers, the time being so neer at hand for releiving the fusileers now upon service, to be discharged the first of May next.

This board (*nemine contradicente*) are of opinion that their demand is improper, and that the Assembly ought without further delay proceed to provide for the security and defence of the Province a suitable supply.

His Excell commanded a message which he did intend for the Assembly to be read in *hec verba*, sc.

1 Message. *Gentlemen.*

I have acquainted this house the necessity and urgency of a present supply for the defence of the ffronteers, which has not mett with that consideracón the weight of the affair requires and the season presses.

I am as solicitous for the ease and prosperity of this Province, as any particuar member or the whole Assembly can be. I know its strength and capacity and what contributes to its Weaknesse and Greife.

I shall be always ready to expose my life for its safety and preservacón; therefore I think it my duty to put you in mind that a supply for guard of the ffronteers, is of farr greater moment and consequence than any other matter the house can have under their thoughts; and merits your outmost care and diligence.

I desire to know what I may expect; that if money cannot be raised to subsist and pay those men, I have or shall procure without detachments, I may proceed to draw such officers and men out of the militia of this Province as may answer the end of my desire; the prosperity and security of their Maties subjects under my care.

His Excell did likewise command his answer to the Adresse of the Assenbly yesterday to be read in *hec verba* ss.

Gentl. In answer to your Adresse to me yesterday, whereby you desire to be adjourned untill such time as you can have the perusall of the musterrolls, I have this morning thought fitt to lay it before the Gentl of the Councill, who are all of opinion that such adjournment is improper and that the perusall of the musterrolls cannot affect your proceeding to the raising of supplies that are now wanting for the defence of the ffronteers the ensuing year.

And forasmuch as the time of releife of the fusileers draws neer, I again desire you will proceed to the raising supplies without further delay.

The Council do unanimously approve of his Excells message and answer to their Adresse; and it is ordered, Coll William Smith and William Nicoll Esqr do deliver them to M^r Speaker forthwith.

Adjourned till morrow morning.

At A Council held at ffort William Henry the 3^d of Aprill, 1695.

PRESENT—

His Excell BEN FLETCHER, &c.,

NICH. BAYARD,
WILL^m SMITH,
GAB. MONVIELLE,

} Esqrs.

CHID. BROOKE,
WILL^m NICOLL,
WILL^m PINNHORNE,

} Esqrs.

His Excell commanded the votes of the house yesterday to be read in Council, and having found thereby that the Assembly run upon a mistaken notion of a surplusage of former taxes, desired the opinion of the Council to send a message to them, to give them a better understanding,

that they may make quicker dispatch to raise supplies for securing the fronteers ; then his Excell commanded the reading thereof in *hec verba*, ss.

2 Message. *Gentlemen,*

I have perused the votes of your house yesterday, and to prevent mistakes or losse of time, must recommend to you that whatever publick moneys are raised is immediately as such vested in their Majestyes, and may not be otherwise disposed of nor in other manner than their Majestyes Letters Patents direct.

The surplusage of the taxes are wholly uncertaine, they being not received ; there alwayes are insolvencies till the officers and men are paid and incidents defrayed (which ever prove more than is expected), no reasonable guesse can be made what it will amount to, nor by probable computation can I think there will be any, but on the contrary, a want of money ; however if there should be any surplusage, I do promise and assure you, every part of it shall be applied to the use it is raised for and no other.

I heartily wish and shall constantly endeavour to ease this Province in every thing that is prejudiciall or burthensome to it ; but cannot think, a thousand pounds sufficient for the service.

The charge of the defence of the fronteers for this last year, will be upward of four thousand pounds, and the Inhabitants were detached. Upon inquiry made, I do not finde the taxes have at any time been nigh so greivous as the detachments.

I therefore judge the Province being eased from that burthen, might frankly give four thousand pounds this year ; it being wholly for its own preservacōn and defence and to no other end.

The Council do very well approve thereof, and thank his Excell for his care and diligence.

Ordered, L^d Coll Monvielle & William Pinhorne Esqr do deliver this message to M^r Speaker in Assembly.

Adjourned till morrow morning.

At A Council held at ffort William Henry, the 4th of Aprill, 1695.

PRESENT—

His Excell BEN FLETCHER, &c.,

STEPH. CORTLANDT,
NICH. BAYARD,
WILL^m SMITH,
CHID. BROOKE, } Esqrs.

WILLIAM NICOLL,
WILLIAM PINHORNE, } Esqrs.
CALEB HEATHCOTE,

His Excell commanded the votes of the Assembly yesterday to be read, and it appearing that the Assembly persist to refuse the raising of more money than one thousand pounds to secure the fronteers for six months ;

His Excell demanded the opinion of the Council what may be propper to be Offered to them.

His Excell ordered the musterrolls to be brought, and laid them open for the Council to peruse.

His Excell did appoint Coll Steph Cortlandt, Coll Nich Bayard & the Accomptant Gen^l to State the account of the four Companys according to the musterrolls, and to finde out what surplusage there is, and make report to his Excell in Council to morrow.

The Council do humbly offer their opinion to his Excell, not to send any further or other message to the Assembly untill his Excell have the perusall of that bill they are now framing, which may be soon expected.

Adjourned till morrow morning.

At A Council held at ffort William Henry, the 5th of Aprill, 1695.

PRESENT—

His Excell BEN FLETCHER, &c.,

STEPH. CORTLANDT,
NICH. BAYARD,
WILL^m SMITH,
GAB. MONVIELLE, } Esqrs.

CHID. BROOKE,
WILL^m NICOLL,
WILL^m PINHORNE, } Esqrs.

His Excell commanded the votes of the Assembly yesterday to be read.

The Gentlemen appointed yesterday to examine the musterrolls and compute the surplusage so much insisted upon by the Assembly, did report : That upon a strict examination of all the musterrolls and the necessary charges and disbursements arising upon the taxes, they do finde that when all the arrearages of the taxes are come into the Receiver Generalls hands, and disbursed again to the propper uses, there will be wanting the sume of one thousand and

twenty three pounds, three shillings, three farthings to pay of the sd forces now upon the fronteers and their incidentall charges the first of May next. Which report was approved by the Councill.

His Excell did appoint Coll Steph Cortlandt, Coll Nich Bayard, Coll William Smith, Chidley Brooke Esqr, William Nicoll Esqr and Coll Caleb Heatcote a Committe of the Council to conferr with a Committe of the Assembly to be thereunto appointed sometime this day, to give them the true informacón of the state of the taxes and the many disbursements that are absolutely necessary, happening by the fusileers from time to time upon the fronteers of this Province.

Ordered, the Clerke of the Council do deliver to M^r Speaker a Copy of this minute, and desire him to appoint a Committe of the Assembly to meet the Committe of the Council for that purpose.

Adjourned till after the meeting of the Committes this morning.

*At A Council held at ffort William Henry, the 5th of Aprill, 1695.
Eight a clock at night.*

PRESENT—

His Excell BEN FLETCHER, &c.,

STEPH. CORTLANDT, }
NICH. BAYARD, } Esqrs.
WILL^m SMITH, }
CHID. BROOKE, }

WILL^m NICOLL, }
WILL^m PINHORNE, } Esqrs.
CALEB HEATCOTE, }

The Committe of the Council did report to his Excell That pursueant to his Excells Commands they did meet tenn of the Members of Assembly, about the hour of five, and have endeavoured to informe them that there is no surplusage, and have offered to give demonstracón thereof by exhibiting to them a scheme of the whole taxes and disbursements, whereby it plainly appears that there is the sume of £1023 : 3 : 10 $\frac{3}{4}$: wanting (when all arrearages are received and disbursed to the propper uses) to pay off the present forces at Albany, with the incidents, and the sume of two hundred and sixty four pound, twelve shillings & sixpence more, wanting to pay a Town Maj^r at Albany, Commissary of musters, Commissary of Provisions, Chirurgion, Armourer, and a Chirurgion's mate at Schenectady; which they refused to look upon or examine.

That for further satisfaccón, the Committe of the Council did presume to send to his Excell for the musterrolls which His Excell was pleased to send. That they did make an abstract of them, and tendered it to Peter DeLanoy, with the originalls, offering to compare them with him, that they may be satisfyed of the truth of the abstract and cary it for the satisfaccón of the whole house; but they all refused to look upon them, saying: that the scheme of the taxes was the ballances of accounts and not accounts themselves, and that though they beleive there is a voucher for every article which hath passed the Council board, they cannot credit the Council; and if his Excell appoint more officers than they make provision for, or detaine the fusileers longer in service, he must pay them himselfe.

The Committe of the Council did acquaint them that the reason the men were detained longer in the service was, that at the time of releife his Excell had intelligence of the Enemys marching against Albany, and the slownesse of the detached men who are some a month, some six weeks after the time prescribed in the Act of Assembly & appointed by his Excell, and there being daily occasion of sending out partys to range the woods and defend out farmes, his Excell is the sole judge of the number of officers needfull for the service, & they ought to be paid.

His Excell commanded the Bill brought up from the Assembly, for the raising one thousand pounds for the security of the fronteers for six months with surplusages &c, to be read. Then put it to the vote, if that be a sufficient supply for the fronteers? Caryed in the negative.

It is the Opinion of the Council, that the preamble of the bill is improper, and that provision made in the latter end thereof, whereby they intend to cut off from his Excell the power of detaching men, cannot be assented unto, being in direct repugnancy to their Maties Letters Patents.

His Excell was then pleased to offer, that seeing the sume offered by the Assembly will not defray the arrears (so is no supply for the fronteers) and it is the opinion of the Council that His Excell cannot assent to any bill in that forme; the time is at hand for the discharging of the fusileers now at Albany, it being a matter of great moment, recommended to their consideracón if it may be propper for his Excellency to issue forth his orders signifying what care he hath taken to ease the countrey of detachments, and how it comes to be defeated by the Assembly, and proceed to command the militia to march at their own charge, to defend the fronteers.

Adjourned till morrow morning.

At A Council held at ffort William Henry, the 6th day of Aprill, 1695.

PRESENT—

His Excell. BEN FLETCHER, &c.,

NICH. BAYARD,
WILLIAM SMITH, } Esqrs.
GAB. MONVIELLE,
WILL^m NICOLL, }

CHID. BROOKE,
WILL^m PINHORNE, } Esqrs.
CALEB HEATHCOTE, }

His Excell did desire to know the opinion of the Council; then recommended to them to consider well of it if there be any other method left for his Excell than to publish reasons for rejecting the bill and proceed to detach the militia by virtue of his Excell power of Capt Generall, and adjourned till munday morning.

At A Council held at ffort William Henry, the 8th day of Aprill, 1695.

PRESENT—

His Excell BEN FLETCHER, &c.,

STEPH. CORTLANDT, }
NICH. BAYARD, } Esqrs.
WILL^m SMITH,
WILL^m NICOLL, }

WILL^m PINHORNE, }
JOHN LAWRENCE, } Esqrs.
CALEB HEATHCOTE, }

The Council having well considered what his Excell did recommend to them on fryday evening and Saturday forenoon, had conceived their opinion in writing, and advise his Excell to reject the Bill; which writing followeth in these words, viz'—

In obedience to your Excellency's Commands, We humbly offer our opinion to reject the Bill for a supply to defend the fronteers at Albany for six months, for the Reasons following—

1. For that in the preamble of the said bill is expressed, that their Ma^{ties} have been graciously pleased to grant Supplies to this Province, especially for the defence of Albany; when indeed their Majestyes have not designed nor directed any certain service for those forces, they have been graciously pleased to send to this Province; but have committed that to the direction of their Captain Gen^l here; by any thing we have seen or do know.

2. For that in the said bill is given certain surplusages of taxes which upon due inspection into the accounts, receipts and payments and insolvency's thereof, viewing the musterrolls, the incidentall charges and the severall officers pay, by a scheme that has been drawn out of that matter, and the exactest computation that can be made, it appears to us that there will not only be found no surplusages, but that to defray and pay the men, Officers and incidentall charges accruing on that service and to be paid by those taxes, there will be an arrearage, or want, of neer thirteen hundred pounds as by the said Scheme and an abstract of the musters has been shown to a Committe of the Assembly.

3. For that the thousand pound given by the said Bill will by no means extend to the raising and support of such a number of men with their proper Officers as will be absolutely necessary to secure the fronteers this summer; And for that no men can be raised in this Province without detaching the militia, unlesse there be fourty shillings levy money for each, and twelve pence a day which with the proper Officers and incidentall charges, will not raise and maintain one hundred men for more than three months and ten days; whereas the present circumstances of the Indians of our Allyance with their Ma^{ties} Enemy's of Canida, is duely considered, we do humbly conceive the guarding of the fronteers will this summer require rather a greater then a lesser force than has been employed in that service the years past, without which it is not reasonable to be expected that our Indians will continue firme, our strength appearing lesse and our Enemy approaching neerer.

4. For that the last clause in the said bill restrains the Captain Generall from making any detachments during the time of the service in the bill expressed, We are humbly of Opinion it is not to be allowed, for that it seems to divest the Captain Generall of the power of the militia; and therefore ought not to be inserted in any Bill or Act.

However, if it shall appear to your Excellency just and reasonable to give the Assembly such assurance otherwise (as you have already sufficiently to this board) upon their enabling your Excell to guard the fronteers without detachments, your word and Honour ought to be taken for good security in that matter.

We are humbly of opinion that if the said bill had given a thousand pound towards the service therein mencōned, without inserting the matters above excepted against, it might be accepted and applyed accordingly. Which is humbly submitted

By yo^r Excell^s Obedient Servants,

S. V. Cortlandt
Nich Bayard
John Laurence

Caleb Heathcote
W. Nicoll
G. Monvielle

Chid. Brooke
W. Smith
W. Pinhorne

The same was read by his Excell^s Command and approved of by his Excell.

Ordered, Lt Coll Monvielle & John Laurence Esqr do deliver a Copy thereof to the Assembly.
Adjourned till morrow morning.

At A Council held at ffort William Henry, the 9th of Aprill, 1695.

PRESENT—

His Excell BEN FLETCHER, &c.,

STEP. CORTLANDT, }
NICH. BAYARD, } Esqrs.
CHID. BROOKE, }

WILL^m NICOLL, }
WILL^m PINHORNE, } Esqrs.
CALEB HEATHCOTE, }

His Excell having drawn up a message to the Assembly to demand their ultimate answer concerning suitable supplies for the ffronteers, ordered it to be read in *hec verba* sc.

3. Gentlemen,

Yesterday, by two of the Council, I sent to your house the reasons offered me by this board why the bill you sent up heither (in the manner it was designed) could not passe; it contains severall matters inconsistent with truth, the trust by their Majestyes reposed in me and the end for which its mencōned to be made.

If you please to enable me to pursue my desires (the safety and ease of the Province), you shall not find me wanting in giving all fitting assurance that I will not detach a man & yet (by Gods assistance) will secure the fronteers; but if by your mistrust and tenacity in withholding just and reasonable supplies, I am necessitated to burthen the Province by drawing such part of its militia to guard the ffronteers as I shall judge requisite, the greivance apparently lyes at your door and cannot without the highest abuse to truth be imposed on me.

You have sat a great while; considering how litle has been done for their Maties service or the good of the countrey. The first of May draws neer when (without immediate care) the fronteers will be left naked. The enemy has been already there, & when they know our weaknesse, will undoubtedly take their measures accordingly. I therefore send this to know forthwith, your ultimate resolve, that if you will not assist me in preserving the Province, I may take such methods as my duty commands, and their Maties Letters Patents empower me to use.

Being read, it was approved of, and William Pinhorne Esqr and Coll Caleb Heathcote are desired to bear the message to the Assembly.

Adjourned till morrow morning.

The Assembly having (after the breaking up of the Council) addressed his Excell to know what particulars are inconsistent with truth and the trust reposed in his Excell in the Bill;

His Excell by the Clerke of Council returned this Answer viz^t

4. Gentlemen,

In answer to the addresse sent me this morning, I let you know, that if you peruse and consider the minute of Council sent you by M^r Laurence and L^t Coll Monvielle, which you take notice of in yo^r yesterdays votes, you may discern the particulars are inconsistent with truth and the trust reposed in me.

At a Council held at ffort William Henry, the 10th of Aprill, 1695.

PRESENT —

His Excell BEN FLETCHER, &c.,

STEPH. CORTLANDT, }
NICH. BAYARD, } Esqrs.
CHID. BROOKE, }

WILL^m NICOLL, }
WILL^m PINHORNE, } Esqrs.
CALEB HEATHCOTE, }

His Excell comanded the Votes of the house yesterday to be read.

His Excell ordered a message intended for the Assembly to be read, that he may have the opinion of the Council thereof in *hec verba*, sc.

5. *Gentl*

Yesterday you desire to know of me what is contained in your Bill inconsistent with truth and the trust reposed in me; whereupon I referred you to the opinion and reason offered me by the Council for rejecting the Bill (a copy whereof we sent you); you positively asserted what now you make a supposition, and a surplusage where there is none; a thousand pounds will not answer the end I proposed.

I can never passe a Bill to divest my selfe of the military command reposed in me by their Maties.

I have done my outmost endeavours for assistance to this Province, and to ease it from detachments as I have plainly told you in my speech; and have good prospect of obtaining my end (which is your ease and security), unlesse you do persist to defeate my good intentions.

You have no reason to have the least conjecture that I should intend this Province should not contribute money to its own defence; detachments being removed, the most greivous part of the burthen is lightened.

Therefore I again recommend to you to proceed, without losse of time, to provide such supplies as may prove reall and not an imaginary assistance, to which I desire your answer.

The Council do approve of the Message and pray *his Excell* to send it.

Ordered, Coll Nich Bayard and William Nicoll Esqr do deliver the said Message to the Assembly.

Adjourned till afternoone.

At A Council held at ffort William Henry, the 10th of Aprill, 1695. Afternoone.

PRESENT —

His Excell BEN FLETCHER, &c.,

STEPH. CORTLANDT, }
NICH. BAYARD, } Esqrs.
WILL^m SMITH, }

GAB. MONVIELLE, }
CHID. BROOKE, } Esqrs.
WILL^m PINHORNE, }

His Excell ordered the answer of the Assembly upon the Message of the forenoon this day, to be read, and finding the same to contain nothing but an evasion from proceeding to businesse desired, did likewise order the reading of another Message to the Assembly for the Councils approbacion in *hec verba*. sc.

6. *Gentlemen,*

I finde much time spent in Questions and Answers, without any regard to the duty you ow your Mat^{ies}, or concerne for the preservation of this Province.

It is a faint argument, and unbecoming the wisdom of a Province to say a muster master informs us thus, when the accounts and musterrolls have been laid before you by a Committe of the Council, by which it is demonstrable to all considerate, judicious and unbyassed men, that there is no surplusage. So farr from it that one thousand pound will not answer the late years necessary and undispenible charge.

I do therefore again recommend to your consideracion, the severall messages I sent to you since the opening of this sessions, and the approaching necessity for the releife of these few forces now on the fronteers, which will break or desert the first of the next month.

The ill consequences, blood, devastations, or mischeife which may happen, I wash my hands of, and must be justly laid at your doors, if you will not contribute to your own security. I shall expect you to be witnesses of my endeavours, and appeal to the King as the only Judge of your acc^{ions} and mine, in this great affair (your own safetys and their Mat^{ies} service.

The Council do approve of this message, and It is

Ordered, Lt Coll Monvielle do deliver the same to the Assembly.

His Excell desired the Councils opinion if it be propper for him to adjourn, prorogue, or dissolve the Assembly before the security of the fronteers be provided for.

The Council are of opinion, the ffronteers must needs be provided for, and that his Excell do not adjourn, prorogue, or dissolve them as yett.

Adjourned till morrow morning

At A Council held at ffort William Henry, the 11th of Aprill, 1695.

PRESENT—

His Excell BEN FLETCHER, &c.,

STEPH. CORTLANDT,
WILL^m SMITH,
WILL^m PINHORNE, } Esqrs.

JOHN LAURENCE,
CALEB HEATHCOTE, } Esqrs.

His Excell commanded the votes of Assembly yesterday to be read.

The Council finding that the Assembly do deny the musterrolls were tendered to them for perusal the 5th of Aprill, Coll. Cortland, William Smith Esqr & Caleb Heathcote Esqr, who were of the Committe that day, do declare that they did tender to the Committe of Assembly, An Abstract of the musterrolls which was compared in Council by the Originalls, and that they did put the Originall musterrolls into the hand of Peter DeLanoy, one of the Committee of the Assembly, desiring him earnestly to compare the abstract with the original musterrolls, and cary the abstract along with them for the satisfaccōn of the whole house; which he did refuse, saying, there was no need of it.

His Excell did lay before the Council the present circumstance of the Province, how the Assembly refuse to give any supplys to secure the ffronteers, and the time of releife draws neer, when those who are posted there will disperse themselves; and desired the advice of the Council, if it may not be proper for his Excell to issue forth his commands for calling the feild Officers of the Militia throughout the Province together, to consult with his Excell, of the easiest methods to secure the Province in its present circumstance. The Council do approve thereof and advise his Excell accordingly.

His Excell ordered the draft of his orders in writing, for calling the feild Officers together to be read and the Council did approve thereof.

His Excell did lay before the Council the litle prospect he hath of their doing any thing requisite for securing the ffronteers, or any other good; that it cannot be for their Mat^{ties} service to continue them when they seem to cast reflections from day to day, without ground or reason, upon his Excell and the Council, and persist in a distrust of the Council board.

Therefore, desired the Opinion of the Council what is proper to be done.

The Council give their opinion for dissolving this Assembly, but in all humble manner submitt that to his Excell. the power thereof being lodged in himselfe solely.

Adjourned till morrow morning.

At a Council held at ffort William Henry, the 12th of Aprill, 1695.

PRESENT—

His Excell BEN FLETCHER, &c.,

STEPH. CORTLANDT,
NICH. BAYARD,
WILL^m SMITH, } Esqrs.

WILLIAM PINHORNE,
CALEB HEATHCOTE, } Esqrs.

His Excell commanded the votes of the Assembly yesterday to be read.

His Excell desired the opinion of the Council, to call the Assembly before him, if they think it may be possible to perswade them to proceed to businesse. The Council do advise his Excell to call them before him, in hopes his Excell Speech may have some influence.

His Excell commanded the Clerke of the Council to goe to the Assembly and in his Excell name to command M^r Speaker and the whole house to attend his Excell forthwith in Council chamber; which was performed.

The Speaker and the whole house being present in Council Chamber, His Excell did acquaint them, that he hath sent for them to use his outmost endeavours to remove those misunderstandings which seem to be among them, having found a sort of stagnation upon all businesse; then passing along all the passages of the Assembly since the last meeting, did use many pregnant and persuasive arguments for their proceeding to consider of the safety and ease of the Province, and to leave fruitlesse and causelesse contention and jangling; after which remanded them to their house.

The Council do unanimously approve of his Excells discourse to the Assembly, and acknowledge themselves to be witnesses of his Excells integrity, and earnest endeavours for the well (sic) of the Province, and return his Excell their humble and hearty thanks.

Adjourned till morrow morning.

At A Council held at ffort William Henry, the 13th day of April, 1695.

PRESENT—

His Excell BEN. FLETCHER, &c.,

STEPH. CORTLANDT, }
NICH. BAYARD, } Esqrs.
GAB. MONVIELLE, }

CHUDLEY BROOKE, }
WILL^m PINHORNE, } Esqrs.
JOHN LAURENCE, }

His Excell ordered the votes of the house yesterday to be read; And it being manifest by the votes of the house, that they continue to deny any further supply to secure the fronteers, *His Excell* did desire the opinion of the board what was to be done.

His Excell did show the Council a petition which was given in to the Assembly by the Church Wardens and the Resolution of the Assembly thereupon, signed by the Speaker, which is: That by virtue of the Act for settling a Ministry, they have power to call a dissenting minister from the Church of England, and compell all persons to contribute towards his mantainance, pursuant to sd act. Also another petition presented to the house by two fusileers who have deserted the service upon the fronteers, and the reference of the Assembly thereof unto his Excell for the paying of the deserters.

The Council are of opinion that there is no good to be expected from this Assembly; that there are some persons amongst them endeavouring secretly to imbroile the Government into disorders, as it has been formerly; and therefore, if his Excell think meet, advise his Excell to prorogue them to the three or twentyeth of this instant, being the time appointed by his Excell for the meeting of the feild Officers of the Province to advise of some easy method to secure the fronteers.

His Excell ordered the Cl of the Council to go to the Assembly, and in his name Command M^r Speaker & the whole house to attend his Excell forthwith in Council Chamber.

M^r Speaker & the whole house being present his Excell said :

Gentlemen,

You have proceeded to give yo^r opinion or interpretation of that Act of Assembly which provides for a Ministry in this City and two other Countyes, upon a petition presented unto you, and you say, that the Church Wardens and Vestrymen may proceed, by that Act, to call a protestant minister dissenting from the Church of England, and raise the money for his mantainance. Not to tell you that there is no protestant Church admitts of such Officers as Church Wardens & Vestry men but the Church of England, It is out of your Province to take upon you to explain an act which you did not make; the Laws are to be interpreted by the Judges.

You have likewise received a petition from two fusileers that came to you for pay; you referred them to me to be paid, though they did not see fitt to show themselves I am informed who they are, and that they have deserted the service; which is death in time of warr. I should rather have expected from you to have sent them up to me to receive their deserts. I desire all or any of you to show me that officer, who hath discharged any man without his full pay, and I will make him an example, or show me the man in the Province that is not paid.

I am now sorry to tell you you have sitt a long time to oppresse and burden the countrey, at the charge of ten pound a day, besides other contingencyes, and have had no regard to their Mat^{ies} service nor the safety of the Province. The whole time is spent rather in contention for superiority, right of Government and who shall command; for that supply which you pretend you would give, is no supply at all—If a man give me one thousand pound and oblige me to pay two thousand, he gives me nothing.

You now desire lycense to print the Votes. M^r Speaker knows at the opening of the sessions, if I may call it one, I told him they might be printed *de die in diem*; but it never was asked before.

I am as sensible of the burthen of detachments as all of you can be, and have done more to lighten it. I know it is an oppression that falls wholly upon the poor; the most of you are sheltered by Commissions, either as Justices of the peace or militia officers; but you know you must contribute some proportion to the taxes. These Gentlemen that are of the Council are rivetted amongst you here; they have fixed down their stakes, and have as much interest in the countrey; yea, more than all of you; and are as unwilling to bring a yoaik upon their posterity as you are. I can name two them that pay more taxes in one year than all of you pay. It seems strange you will put no trust in them, and make doubts and scruples where there is no ground for it, in things which you your selves confesse you don't understand. Theres never a man amongst you (except Peter De La Noy) pretends to understand an account; and there is not one farthing of publick moneys disposed or disbursed, but by advice of the Council; and there are good vouchers for it. Such I beleive M^r De La Noy would be glad to have for his account, when he was receiver here, which is now before the Lords of the Treasury under examination.

I have taken many measures to ease the Province from detachments, and solicited not only the neighbouring Provinces but their Mat^{ies}, who have been graciously pleased so farr to favour my

desires and the ease of this Province, as to order forces heither at my disposall; but all is like to be defeated by your neglect. I am ready to appeal to their Maties, and have a safe conscience to appeal to a higher King, after this life, for my sincerity and integrity in endeavours for the ease and good of the Province. Had you acted like men, if you found me out of my duty, 'twas your businesse to have provided for the safety of the Province; then to have drawn up your accusation against me to their Maties, which I should have taken care should come to their hands. But, since I finde by your votes yesterday you are resolved not to raise supplys to secure the Fronteers, I think fitt to prorogue this Assembly to the 23th of this instant, and you are hereby prorogued accordingly.

The Council unanimously approve of his Excells speech to the Assembly, and returne humble and hearty thanks.

[N. Y. Colonial Manuscripts, XL., 19.]

BY HIS EXCELLENCY.

BENJAMIN FLETCHER, Captain General and Governor in Chief of Their Majesties Province of *New-York*, and the Territories and Tracts of Land depending thereon in *America*, and Vice-Admiral of the same, Their Majesties Lieutenant and Commander in Chief of the Militia, and of all the Forces by Sea and Land within their Majesties Collony of *Connecticut*, and of all the Forts and places of Strength within the same.

A PROCLAMATION.

WIIEREAS I have found the Detaching of the Inhabitants of this Province, for Defence of the Fronteers, hath been a grievous Burthen, and have used my Outmost Endeavours, to provide for the Security of the Fronteers, and the ease of the Inhabitants, which is not so far (at present) effected, but that it requires a Sum of Money to enable me, as well to retain those that are willing to serve, as to keep those I have already there; for which end I have used all Plainness and Integrity with the Assembly, making unusual Condescensions.

AND WIIEREAS the Assembly have continued sitting Twenty Three Days, which has been a great Charge to the Country, and have made no suitable Return to Answer the End I have Proposed, I do therefore think fit, by and with the Advice of the Council, to DISSOLVE the present Assembly of this Province, and they are hereby DISSOLVED accordingly.

Given at Fort William Henry, the Two and Twentieth day of Aprill, 1695. Annoq,
Regni Regis & Reginae Gulielmi & Mariae, Angliae, &c. Septimo.

BEN FLETCHER.

God Save King William & Queen Mary.

THE FIFTH ASSEMBLY FIRST SESSIONS.

At A Council held at ffort William Henry, the 20th of June, 1695.

PRESENT —

His Excellency BENJAMIN FLETCHER, &c.,

STEPH. CORTLANDT, }
NICH. BAYARD, }
CHID. BROOKE, } Esqrs.

WILLIAM NICOLL, }
CALEB HEATHCOTE, } Esqrs.

His Excell. understanding the Representatives were not come to Town did adjourn till morrow morning.

At A Council held at ffort William Henry, the 21th day of June, 1695.

PRESENT —

His Excellency BENJAMIN FLETCHER, &c.,

STEPH. CORTLANDT, }
NICH. BAYARD, }
CHID. BROOKE, } Esqrs.

WILLIAM NICOLL, }
CALEB HEATHCOTE, } Esqrs.

The Representatives come to Town, being 15 in number, came to waite upon his Excell in Council; his Excell told them that harvest coming on and the Kings businesse requiring haste, they ought to dispatch their businesse. So bid them go to their house & choose a Speaker.

Having chosen their Speaker, they did return and present their Speaker, JAMES GRAHAM Esqr and desired his Excells approbation.

Mr Graham prayed his Excell to recommend to the Assembly to choose another more qualified for that service; his Excell did confirme their choice.

Mr Speaker in behalfe of the whole house, did assure his Excell of their good affection to his Maty and the present Government; then desired usuall priviledges to be allowed them, as freedome for themselves and servants during sessions from arrest, free accesse to his Excell and Council, a favourable construccon upon their words, and frequent Committes of the Council to remove misunderstandings upon occasions &c: which his Excell did grant.

Then Recommended to them their own ease and safety in securing the fronteers, the Quota assigned by her Maty to this Province of two hundred men for a joynt force of all the neighbouring Colonies to be upon the fronteers, and an encouragement to the forces lately come over; And to Consider of the Circumstance of the Province with relation to the late intelligence come from Albany and the Lords of the Admiralty, by way of Maryland.

After which they returned to their house.

Adjourned till the 25th of June 1695.

At A Council held at ffort William Henry, the 28th day of June, 1695.

PRESENT —

His Excellency BENJAMIN FLETCHER, &c.,

STEPH. CORTLANDT, }
WILLIAM SMITH, }
GAB. MONVIELLE, } Esqrs.

CHIDLEY BROOKE, }
WILLIAM NICOLL, }
WILLIAM PINHOORNE, } Esqrs.

Cap^t Thomas Dekey and some other members of Assembly from the house, in behalfe of the whole Assembly, did addresse his Excell for the pardoning one of the Granadeers lately come over from England, he being condemned to dy by a Court martiall for mutiny.

His Excell was graciously pleased to grant their request and gave orders that the prisoner should be Caryed to the Assembly to retorne thanks.

Adjourned to the 2^d of July.

At A Council held at ffort William Henry the 2^d of July, 1695.

PRESENT—

His Excellency BENJAMIN FLETCHER, &c.,STEPH. CORTLANDT, }
WILLIAM SMITH, } Esqrs.WILLIAM PINHORNE, }
CALEB HEATHCOTE, } Esqrs.

His Excell ordered the Clerke of the Council to inquire of Mr Speaker if the house had any thing to offer to his Excell & the Council this forenoone.

The Clerke of the Council brought answer that the Assembly were busy and had Some thing to offer this forenoone, which shall be sent up very shortly.

Coll Henry Beeckman accompanied with some others of the Assembly, brought up two Bills passed in the Assembly: the one intituled, A Bill granting to his Maty the sume of one thousand pounds, the one halfe thereof to be allowed to his Excell the Governour, and the other halfe to be distributed to the Officers and Soldiers lately come over for the ease of this Province, at his Excell discrecōn, which they pray his Maty to accept as an acknowledgement for the great favour in sending over the forces to ease the Province of Detachments.

The other Bill intituled, A Bill for raising Eight hundred pounds for the paying and maintaining of the Officers & Soldiers employed for the securing the frontiers of this Province at Albany, from the first of May to the first of August next.

Ordered, the sd two bills be read the first time.

Cap^t Brandt Schuyler accompanied with some other members brought up three other bills to witt: A Bill for continuing the Act for Encouraging the *Post Office* three years longer after the expiracōn of the said Act; A Bill for the Encouraging of Seamen, & A Bill for preventing deserters.

The Bill granting a thousand pound being read, is laid aside till further consideracōn.

Ordered, the Bill for encouragement of Seamen be read y^e first time.

Ordered, the Bill to prevent desertion be read the first time.

Ellis Duxbury with some other members brought up two other Bills intituled, A Bill to Enable the City and County of Newyorke to releive the Poor and defray their necessary and publick charge; and A Bill to Enable the City & County of Albany to defray their necessary charge.

Adjourned till 3 a clock afternoone.

At A Council held at ffort William Henry, the 2^d of July, afternoone, 1695.

PRESENT—

His Excell BENJAMIN FLETCHER, &c.,STEPH. CORTLANDT, }
NICH. BAYARD, }
WILLIAM SMITH, } Esqrs.
CHID. BROOKE, }WILLIAM NICOLL, }
WILL^m PINHORNE, } Esqrs.
CALEB HEATHCOTE, }

Ordered, the Bill granting a thousand pounds be read. Being read, it is ordered to be laid aside.

Ordered, the Bill for raising Eight hundred pounds be read first second and third time.

The Bill for raising £800 being read three times, is assented unto by his Excell the Governour and Council.

Ordered, the Bill against deserters be read a first & second time.

Adjourned till morrow morning.

At A Council held at ffort William Henry, the 3^d of July, 1695.

PRESENT—

His Excellency BENJAMIN FLETCHER, &c.,STEPH. CORTLANDT, }
NICH. BAYARD, }
WILL^m SMITH, } Esqrs.
GAB. MONVIELLE, }CHID. BROOKE, }
WILLIAM NICOLL, } Esqrs.
WILL^m PINHORNE, }
CALEB HEATHCOTE, }

Ordered, the Bill for encouraging of Sailers, be read a first and second time.

Ordered, a third reading.

His Excell the Governour and Council do assent unto the Bill for encouragement of Sailers being three times read with this proviso: that it continue in force for two years from & after publicacōn.

Ordered, the Bill for Continuing Encouragement to the *Post Office* be read the first second & third time.

His Excell the Governour & Council do assent unto the Bill for continueing encouragement to the *Post Office*, being three times read.

Ordered, the Bill to Enable the City & County of Albany to defray their necessary charge be read a first second and third time.

His Excell the Governour & Council do assent unto the Bill to Enable the City & County of Albany &c, being three times read.

Ordered, the Bill to Enable the City & County of Newyorke &c. be read a first second and third time.

His Excell the Governour and Council do assent unto the Bill to Enable the City & County of Newyorke, being three times read.

Ordered, the Bill for preventing desertion be read a second and third time.

His Excell the Governour and Council do assent unto the Bill for preventing desertion &c, being three times read, with the following amendments (to wit) —

That the title thereof be (A Bill to prevent the desertion of soldiers in pay within this Province.)

That the preamble be left out and the Bill beginn (Be it Enacted &c

That in page first, line 6 & 7 (as aforesaid) be left out

That in page first, line 8 (without leave first obtieind from his propper officer) be left out.

That in page first, line 20th (without leave obtieind as aforesaid) be left out.

That in the second page, line 4th (said) be left out

And that the year of the reign when the Act of Parliament mencōned in the sd bill was made be inserted.

Ordered, William Pinhorne Esqr and Coll Caleb Heathcote do cary down to the Assembly the Bill for preventing desertion, and the Bill for encouraging of Seamen, with the amendments annexed, and desire the Assembly consent to the amendments.

Adjourned till morrow morning.

At A Council held at ffort William Henry, the 4th of July, 1695.

PRESENT—

His Excellency BENJAMIN FLETCHER, &c.,

STEPH. CORTLANDT,
WILLIAM SMITH,
GABRIEL MONVIELLE,
CHID. BROOKE, } Esqrs.

WILLIAM NICOLL,
WILLIAM PINHORNE,
CALEB HEATHCOTE, } Esqrs.

His Excell did Enact the five Bills which did passe the Council and Assembly.

His Excell did order the reading of an Adresse from the Assembly, wherein they desire an addition of twenty pounds P^{r} annum to the sallary of the Printer.

His Excell ordered the Cl of the Council to acquaint Mr Speaker, that he Requires Mr Speaker and the whole house to attend him forthwith in Council.

The Speaker and the house being present,

His Excell did acquaint them that he had Enacted five Bills which came from their house. As for the bill to prevent desertion, since they would not agree to the amendments, it is no matter of moment whether it passe or not; and for the other Bill whereby they design a complement of five hundred pounds to his Excell, His Excell gave them thanks and told them, as he had heitherto taken care of the Government, so he would continue and wished as much as all of them can, its welfare and prosperity; but that as that Bill was framed, he doth reject it; then told them that he was glad to see they had done their businesse quietly without noise & much expense of time, and hoped they would prove a healing Assembly. The harvest is coming on and those that have that to attend, must need desire respite; therefore did adjourn the Assembly to the first of October next.

His Excell did acquaint Mr Speaker that he might appoint a Committe of such of the Assembly who can most conveniently attend that service, to inspect the public accounts in the time of this adjournment, that they may be able to make report at the opening of next Sessions.

His Excell then, attended with the Council & Assembly, was conducted by the Mayor & Aldermen to the City hall, where the Acts were read publickly.

The Assembly do returne their thanks to His Excell for his favourable expressions and his promise to take care of the Government.

THE FIFTH ASSEMBLY SECOND SESSIONS.

At A Council held at ffort William Henry, the first day of Octo^r, 1695.

PRESENT—

His Excellency BENJAMIN FLETCHER, &c.,

FFRED. PHILIPS,
STEPH. CORTLANDT, } Esqrs.
NICH. BAYARD,
GABR. MONVIELLE, }

CHID. BROOKE,
WILL^m NICOLL, } Esqrs.
JOHN LAURENCE,
CALEB HEATHCOTE, }

M^r Reade and M^r Abeel from the house of Representatives, waite upon his Excell in Council to acquaint him that, because many of the Representatives are not yet come to Town, the Speaker hath adjourned till morrow morning.

Adjourned till morrow morning.

At A Council held at ffort William Henry, the 2^d day of Octo^r, 1695.

PRESENT—

His Excell BENJAMIN FLETCHER, &c.,

STEPH. CORTLANDT, } Esqrs.
NICH. BAYARD,
WILLIAM SMITH, }

GAB. MONVIELLE, } Esqrs.
CHID. BROOKE,
WILL^m NICOLL,
WILL^m PINHORNE, }

Maj^r Wessells and others by appointment of the Assembly, came to acquaint his Excell that there is a full house and that they are ready to receive what his Excell will offer for his Maties service.

His Excell ordered the Clerke of the Council to call up the Speaker & the whole house being present His Excell rose up and said,

M^r Speaker and You Gentlemen the Representatives of this Province.

I am glad to finde you mett together so exactly to yo^r time, and hope you are come with good hearts and inclinations to serve his Majesty in securing the Province, which is yo^r own interest and what I heartily wish for and shall always endeavour.

The first thing I recommend to your care is the security of the fronteers, which to me seems to ly under some hazard, the Garrisons weaker than ever, the revenue is very much indebted, the taxes in arreares, our charges daily grow, Our neighbours value themselves upon their Agents in England and deny any assistance, and his Maties gracious commands in favour of this Province and for the safety of His whole Territoryes upon this Maine wholly defeated; the Agents of the neighbouring Colonies misrepresent things and are driving at their private interests, by which means our burthen continues, and now the enemy have gott into a nest; a regular flort of stone and lime at Cadaracqui which without all doubt will prove of dangerous consequence to us all, if means cannot be found to drive them out.

It will therefore be needfull an Agent or Agents be sent home from the Government, to represent our case and circumstances. I have not been wanting in my duty in repeated endeavours by writeing in behalfe of the Province, nor have they proved unsuccessfull with his Matys, but a paper may be forgott, is laid aside and cannot answer the suggestions & false glosses that may be put upon things by the Agents of our neighbours.

It is true, Gentlemen, this Province has been under heavy duty and taxes and is much wasted thereby. You have paid great taxes and the people done hard duty upon the fronteers. 'Twas all ordered by yo^r selves and must redound to your praise. Our neighbours ow their safety & preservacōn to it. We are next the enemy & a barrier to them who are under none of these duties nor burdens. We are at a great disadvantage with them in matter of trade likewise. We have laid severall duties upon goods and merchandize at importation & exportation, with an excise for a revenue to support the Government; their ports are free and open to all. They not only deny assistance to us, but cover and protect those of the forces his Maty has graciously sent over lately when they desert. We shall be reduced to our former and greater difficultys, if these things be not remedied, it is plain to us. Our neighbouring Colonies have both gott our trade & people; mankind go where they can be most easy, but these things are not so well known at home and there are many other weighty affairs in hand. This comes upon me at once and I am in my letters for England. I shall not trouble you with more at present but that you consider of a living witnesse to appoint an Agent or two from

you the Council and myselfe, that our case may be truly stated & fairly represented to the King. When I shall think of anything else I shall finde a way to communicate it to you. So you may withdraw to your house & God Almighty direct you.

Adjourned till morrow morning

At A Council held at ffort William Henry, the 3^d day of October, 1695.

PRESENT—

His Excellency BENJAMIN FLETCHER, &c.,

STEPH. CORTLANDT, }
WILL^m SMITH, } Esqrs.
CHID. BROOKE, }

WILLIAM NICOLL, }
JOHN LAURENCE, } Esqrs.
CALEB HEATHCOTE, }

Ordered, the message from the Assembly desiring to know what supply will be needfull for the fronteers this ensuing winter be read.

Ordered, Chidley Brooke Esq, William Nicoll Esqr & Coll Caleb Heathcote be a Committe to draw up an answer and state the acco^t of the charge.

Adjourned till the fifth of Octo^r, 1695.

At A Council held at his Maties ffort in Newyorke, the 5th of Octo^r, 1695.

PRESENT—

His Excellency BENJAMIN FLETCHER, &c.,

STEPH. CORTLANDT, }
NICH. BAYARD, } Esqrs.
WILL^m SMITH, }

CHID. BROOKE, }
WILL^m PINHORNE, } Esqrs.

His Excell having taken to considerac^{on} the message of the Assembly whereby they desire to know what will be needfull for the security of the fronteers the ensuing winter, with advice & consent of the Council doth recommend to them to provide for the pay of Maj^r Schuylers Company and a fund or supply for the encouragement of the other companys, that their number may be kept up to prevent detachments.

Adjourned till the Sixteenth day of Octo^r.

At A Council held at ffort William Henry, the 16th day of Octo^r, 1695.

PRESENT—

His Excellency BENJAMIN FLETCHER, &c.,

NICH. BAYARD, }
GABR. MONVIELLE, } Esqrs.
WILL. NICOLL, }

WILLIAM PINHORNE, }
JOHN LAURENCE, } Esqrs.
CALEB HEATHCOTE, }

Three Bills agreed upon in Assembly were presented to this board for the assent of his Excell the Governo^r & Council,

Ordered, a Bill against profanation of the Lords day be read a first time.

Ordered, a Bill for regulating Attorneys at Law be read a first time.

Ordered, a Bill for a supply of 500[£] for encouragement of the company of granadeers &c be read a first time.

Ordered, the Bill against profanation of the Lord's day be read a second & third time.

Ordered, the Bill for regulating Attorneys at Law be read a second & third time.

His Excell the Governour and Council do assent to the Bill against profanac^{on} of the Lords day &c being three times read with the following amendments viz^t. that there be added— [Provided that this Law shall no wayes extend to any native or free Indian within this Province not professing the Christian Religion] the interlineation (or to do any other act of necessity to come in after travell on the Lords day.

His Excell the Governour & Council do assent to the Bill for regulating Attorneys at Law, being three times read.

It is the opinion of the Board that a conference is needfull upon the Bill for raising 500[£] for the encouragem^t &c.

Ordered, Coll Nich Bayard, William Pinhorne Esqr and Coll Caleb Heathcote be a Committe of the Council to conferr with a Committe of the Assembly thereunto appointed, upon the bill for raising the supply of 500[£]. at four a clock this afternoone.

And that John Laurence Esqr do acquaint the house thereof and desire a Committe of the Assembly to be appointed accordingly.

Adjourned till morrow morning.

At A Council held at ffort William Henry, the 17th day of October, 1695.

PRESENT—

His Excellency BENJAMIN FLETCHER, &c.,

FRED. PHILIPS,
NICH. BAYARD,
GAB. MONVIELLE, } Esqrs.

WILLIAM PINHORNE,
CALEB HEATHCOTE.

Ordered, a second & third reading of the Bill for a supply of £500.

The Committe appointed to conferr upon the Bill for raising a supply of £500 did report — They had endeavoured to sett forth the reasons why His Excell cannot passe the Bill and convince them that his Excell cannot divest himsele of the power of detaching men, if there be occasion.

And that they finde by the Members of Assembly that the house intends the five hundred pounds only for raising of men to fill up the Companys, and not as any encouragement to those now in the service.

His Excell the Governour & Council do assent unto the Bill granting a supply of £500, being three times read with the following amendments—That this be a preamble: The house of Representatives for his Matyes Province of New Yorke being very sensible of his Maties great grace & favour in sending forces over from England for their safety and defence, do pray that it may be enacted, and be it enacted, &c, and that there be inserted in 2d line 2d page, instead of—to prevent detachments—and to finde them such necessaryes that they may be able to subsist and towards easing the Inhabitants of the Province from detachments for this ensuing winter service.

Ordered, William Pinhorne Esqr & Coll Caleb Heathcote do cary down the Bill granting a supply of £500 &c, & the Bill ag'st Profanacōn of the Lords day, with the amendments made in Councill and desire the consent of the Assembly.

Two Bills agreed unto in Assembly were presented to this board for the assent of his Excell & Council.

Ordered, the Bill for raising £1000 be read a first, second & third time.

His Excell the Governour & Council do assent unto the Bill for raising one thousand pounds for Agency &c. being three times read.

Ordered, the Bill for raising £864. 15^s be read a first, second and third time.

His Excell the Governour & Council do assent unto the Bill for raising £864. 15^s, being three times read with the following amendments viz^t—that in the title, throughout the bill & Establishment annexed, instead of Maj^r Schuyler's Company, be inserted: A Company of fusileers employed on the fronteers at present under the Command of Maj^r Schuyler.

Adjourned till morrow morning.

At A Council held at ffort William Henry the 18th day of October, 1695.

PRESENT—

His Excellency BENJAMIN FLETCHER, &c.,

STEPH. CORTLANDT,
NICH. BAYARD,
GAB. MONVIELE,
CHND. BROOKE, } Esqrs.

WILL^m NICOLL,
WILL^m PINHORNE,
JOHN LAURENCE,
CALEB HEATHCOTE, } Esqrs.

His Excell having received a message yesterday evening from the Assembly, it was read and in answer thereunto,

Ordered, William Nicoll Esqr, Will^m Pinhorne Esqr & Coll Caleb Heathcote be a Committe of Council to conferr with a Committe of the Assembly upon the meaning of the amendments of the bill for raising £500 &c., in order to a plain and cleer understanding.

Ordered, the Same Committe do conferr upon the amendment to the Bill for raising £864: 15; and that Will^m Nicoll Esqr do desire the Assembly to empower their Committe to Conferr thereof likewise, and cary down the sd Bill and amendment.

The Gentl of the Committe did returne and reported to his Excell that they have endeavoured to give the members of Assembly of their Committe full satisfaccōn, but that they had litle hopes of its taking effect: being fixed in an opinion that his Excell having passed that Bill, cannot afterwards change and that the money is wholly to be disposed of to such as shall be

listed hereafter in sd companys, & that they beleive the Amendm^t of the £864: 15, Bill, will be agreed unto.

M^r Reade from the Assembly, brought up the Bill for raising a supply of £500 with an amendment viz^t: that the money shall be employed to such only as shall be listed in the sd Companys at the discrec^on of the Governour & Council to prevent detachments, and desire the assent of his Excell & Council thereunto.

His Excell desired the opinion of the Council if they can assent to that amendment? It is carried in the negative for these reasons: That the money will not answer the end; that the Granadeers left without encouragem^t, will desert and others will not be found to supply their room in this Countrey, & if others were to be found, if their pay or sustenance were encreased above what the rest have, it would tend to confusion & disorder; and if the word, to prevent detachments, be in the Bill, the Comon people will always beleive they have bought off that duty and that his Excell is tyed up from the exercise of that part of his power which is soe necessary in this time of actuall warr.

Adjourned till morrow morning.

At A Council held at ffort William Henry, the 19th of October, 1695.

PRESENT—

His Excell BENJAMIN FLETCHER, &c.,

FFRED. PHILIPS,
NICH. BAYARD, } Esqrs.
GAB. MONVIELLE, }

CHIDLEY BROOKE,
WILLIAM PINHORNE, } Esqrs.
JOHN LAURENCE, }

¶ An Adresse from the Assembly delivered unto his Excellency last night, setting forth that they have appointed a Committe for the drawing up an Adresse to his Matye setting forth the true Representation of the state of this Province and desiring a Committe of the Council may be appointed to joyne with them, was read.

Ordered, Coll Nicholas Bayard, Will^m Nicoll Esqr, Chidley Brooke Esqr, William Pinhorne Esqr, and Coll Caleb Heathcote be a Committe of this board, or any three of them, to joyne in the drawing up this adresse.

Ordered, John Laurence Esqr cary down the names of the Committe & deliver it to the Assembly.

Adjourned to the 22th October 1695.

At A Council held at ffort William Henry, the 22th of Octo^r, 1695.

PRESENT—

His Excell BEN FLETCHER, &c ,

FFRED. PHILIPS,
STEPH. CORTLANDT, } Esqrs.
NICH. BAYARD, }

GAB. MONVIELLE,
WILL^m NICOLL, } Esqrs.
WILL^m PINHORNE, }

His Excell did ask the opinion of the Council if he Shall passe the Bills agreed to in Council & Assembly, and afterwards recommend to them the care of the fronteers to provide Supplys.

The Council are unanimously of opinion it is expedient his Excell do passe the Bills agreed unto in Council & Assembly, and recommend to the Assembly the care of the fronteers.

His Excell did signe & Enact the Bill for regulating Attorneys at Law; the Bill against Profanation of the Lords day; the Bill granting £1000 for Agency, and the Bill for raising £864: 15 for Support of a Company of fusileers Commanded by Maj^r Schuyler, to the first of May next.

Ordered, The Cl of the Council do desire the Speaker & the whole house to attend his Excell the Governour in Council chamber forthwith.

M^r. Speaker and the whole house being present, His Excell said,

M^r Speaker & you Gentl the Representatives of the Province,

Four of the Bills you sent up are read and approved off in Council and are now Enacted.

One is An Act for regulating Attorneys at Law; a thing I do but litle understand as I never had a Law suite, So I hope I never shall.

Another is against the profanation of the Lords day; a very good act. I wish it prove effectmll and that we mny all learn so to lead our lives as to make every day a Sabbath.

Another is the Act for the thousand pound for Agency. I doubt not but you will finde it well bestowed and prove very beneficiall to the Province, when their is a fair & true Representation made to his Majesty of Our Circumstances. It is too hard for this Province to

have the whole charge of the warr upon us, when it is a generall defence to the rest. I dont question but the King will alleviate our burden.

Another Act is for raising a supply to pay and mantain fifty men at Albany till May next; which are a part of your quota. You have all heard there are quotas appointed by his Matye from New England, Connecticut, Virginia, Maryland &c. Our quota is two hundred. I have shown Mr Spenker that list which I had from Whitehall; he can informe you this Province is to furnish two hundred men. The King has sent his Commands to the Severall Governours to give their assistance upon my applicacōn, which I have made; but I have no Great Seal for the commanding of those quotas from Virginia, Maryland and the rest as I have to command this Province. I am Yo^r Captain Generall. I have never asserted that power but with an eye to the ease and Safety of the Province; and altho' we may reasonably expect some releife from the hardships we ly under in a short time, yet I am not to suffer the Province to ly exposed. Some of you here can very well give account that Albany and the fronteers were never worse provided than this winter, and that many of the Soldiers have run away, others dyed or killd in their passage coming over.

Here is another Bill which you sent up giving a supply of five hundred pounds for levy money. As you intend this, it is to throw away so much of the Countreys money; it dos not answer the end, I can never consent to such a fraud; it will be so farr from any encouragment to the Companyes sent over for your defence, that it will prove their great discouragem^t. When the money, as you would order it, is given to such as will list themselves we shall have none but such as will run so soon as their levy money is spent, & perhaps sooner; for no man will tary to starve when he knows he is never to receive a farthing pay, but on the contrary must run in debt. I have often told you that they have but 8^d this Countrey money by the Kings Establishment, and that two pence sterling is stopt for their cloaths, which are now worne out in their way coming over, and many of them barefoot and bareleggs. The cold winter season is coming on, and we have to do with a cunning & vigilant Enemy. I must not leave the fronteers exposed. It is hard if you will not leave me to be judge of the affairs of warr, and what is necessary. I darr to pretend to more experience that way than any of you, or all together. The security of the fronteers was the Cheife thing you were called together for, and therefore I recommend it to you.

I shall be satisfyed you take what methods you please to order Yo^r Supplyes, provided they are secured, that I may never touch a penny of your money with my finger, as I never have heitherto done.

Gentl. returne to your house and consider of this matter in calmnesse and evennesse of temper. I have no end but the Safety and ease of the Province. I pray God direct you.

Adjourned till morrow morning.

At A Council held at ffort William Henry, the 23th day of October, 1695.

PRESENT—

His Excell BENJAMIN FLETCHER, &c.,

STEPH. CORTLANDT, }
NICH. BAYARD, } Esqrs.

WILL^m NICOLL, }
WILL^m PINHORNE, } Esqrs.

A Message sent to his Excell yesterday evening was read, and in answer thereunto It is *Ordered*, Coll Steph Cortlandt, Coll Nicholas Bayard, William Nicoll Esqr & William Pinhorne Esqr be a Committe of the Council to meet the Committe of the Assembly for the further explanation of his Excells meaning concerning the quota.

Adjourned till morrow morning

At A Council held at ffort William Henry, the 24th day of October, 1695.

PRESENT—

His Excell BENJAMIN FLETCHER, &c.,

FFRED. PHILIPS, }
GAB. MONVIELLE, } Esqrs.
THOMAS WILLET, }

WILLIAM PINHORNE, }
CALEB HEATHCOTE, } Esqrs.

The Report of the Committe was that the Committe of Assembly desired to know if his Excell did intend to have the Companyes come from England made full, and the quota of two hundred men from this Province. And that it was answered that if the Assembly will raise a reasonable supply to the end his Excell be enabled thereby to keep the Granadeers now in the Companyes appointed by his Maty, and to encourage others to come and list themselves, his Excell can depend upon them for a reasonable guard to the fronteers & not insist upon the

quota. Otherwise it cannot be expected but the Granadeers will run in a years time and are not to be depended upon. This obliges his Excell to insist upon the quota; with which answer they seemed better contented.

His Excell sent the Clerke of the Council to know if the Assembly had any thing to offer this forenoone; who brought answer, that they were preparing a Bill which would shortly be brought up to his Excel & Council for their assent.

Coll Beeckman & others Delivered a Bill from the Assembly intituled, A Bill for the raising seven hundred pounds to Enable his Excell to keep the men that are now in the Companys appointed by his Maty and to encourage others to list themselves

Ordered, the Bill for the raising £700 &c be read a first, second & third time.

His Excell the Governr & Council do assent unto the Bill for raising £700 &c, being three times read.

Another Bill was delivered in intituled, A Bill for continueing An Act for Establishing Courts of Judicature two years longer.

Ordered, the Bill for continueing An Act for Establishing Courts of Judicature &c be read a first, second and third time.

His Excell the Governour & Council do assent unto the Bill for continueing An Act for Establishing Courts of Judicature &c being three times read.

His Excell sent the Cl of the Council to know if they had any thing further to offer; who brought answer, they had none. His Excell signed the two last Bills.

Adjourned till afternoone.

Postmeridiem ejusdem diei.

·PRESENT—

His Excell BENJAMIN FLETCHER, &c.,

FFRED. PHILLIPS,
GAB. MONVIELLE,
CHIDLEY BROOKE,
WILL^m NICOLL, } Esqrs.

THOMAS WILLETT,
WILLIAM PINHORNE, } Esqrs.
CALEB HEATHCOTE,

His Excell ordered the Cl of the Council to call Mr Speaker & the whole house to attend his Excell in Council Chamber.

Mr Speaker and the whole house being present, His Excell said :

Mr Speaker and you Gentl the Representatives of this Province.

I sent the Cl of the Council to you to know if you had anything else to offer; he brought me yo^r answer you had none. I have passed the two bills you last sent me; one of them is, for continueing a former Act for Courts of Judicature with an addition which I do not like; it being a thing unprecedented for the County Justices to have the power of trying title of land, where the construction of deeds & writings is necessary, and requires more skill in the Law than any of them can pretend to. In England those controversys are tryed by nisi prius, before Judges learned in the Law; however it is temporary and by the advice of the Council I have past it.

The other is the Bill for £700 for an encouragement to keep up the Companies till the first of May next. I shall take that care in the disposition thereof that there shall not be one farthing perverted to any other use, to defeat so good a designe as you propose to yo^rselves.

Gentl^m You sent me word you had nothing to offer, and were willing to have a recess. There is one thing I have to offer to you before we part, and that is; that you inquire into the greivances and abuses in your severall Countyes; what oppressions; what maledministracōn or abuses are committed by any ministers or officers of the Government, that care may be taken to redresse them. You are or ought to be men of good interest in yo^r Countyes, and if you finde any complaints of tyranny or arbitrary power, that are false & groundlesse, it is your businesse to suppress those murmurings by yo^r better informacōn. If otherwise, you ought to represent them in Assembly. One of the first things appointed in a house of Commons is a Committe for greivances. If you finde abuses in inferiour Officers, then you are to apply to the Governour & Council, who are ready to give satisfaccōn in removeall of them; if it be of the Superiours as the Governour or Council, then you have the liberty of applying to the King. I am but a transient person amongst you, and am willing to answer for anything that I have done. You have now your Agent goeing home. I am very willing you make what applicacōn you please. The Council have been witnesses to all my accōns and they are the men of greatest interest in the Countrey. But if there be nothing but an evill spirit of murmuring, backbiting and slander, without any other cause or reason than the perverse humour of disaffected persons and unreasonable men, it is your businesse to informe them better of their duty to their Superiours & towards one another, that the Government may be happy & harmonious, and a good afflection & cheerfulness in doing those things which are for your ease & safety; which I call God to witnesse has been my greatest study since I come amongst you.

But, Gentl, since my resolution to have adjourn'd you, I understand there is something yet left undone. I am not in haste so long as the service of the Government calls for me. I will give you time to consider what there is, which you may do this afternoon or against to morrow morning. I shall be ready to hear you so you may returne to yo^r house & consider of it. I pray God direct you.

Adjourned till morrow morning.

At A Council held at ffort William Henry, the 25 day of Octo^r, 1695.

PRESENT —

His Excell BENJAMIN FLETCHER, &c.,

FFRED. PHILLIPS, }
NICH. BAYARD, } Esqrs.
WILL^m NICOLL, }

WILL^m PINHORNE, }
CALEB HEATHCOTE, } Esqrs.

The drafts of An Adresse to his Maty with Instruccōns to the Agents for making a representation of the state of the Province which were sent for their perusal, were delivered back, with an order of the house that the Speaker do sign them.

His Excell desired the opinion of the Council as to the time of adjournment. The Council gave their opinion to adjourne to the 25th of March next.

His Excell ordered the Cl of the Council to desire M^r Speaker & the whole house to attend him forthwith in Council Chamber.

The Speaker and the whole house being present, told them that he beleived they were now desirous of recess; recommended to them again to study the peace & tranquillity of the Govern^t; to inquire into greivances & if they found any to see them redressed the next meeting.

Then adjourned the Generall Assembly to the 25th of March next ensueing.

At A Council held at ffort William Henry, the 30th of Octo^r, 1695.

PRESENT —

His Excell BENJAMIN FLETCHER, &c.,

NICH. BAYARD, }
GAB. MONVIELLE, } Esqrs.
CHID. BROOKE, }

WILLIAM NICOLL, }
WILLIAM PINHORNE, } Esqrs.
CALEB HEATHCOTE, }

His Excell the Govern^r & the members of Council present did signe the following Adresse & Instruccōns and the Speaker by order of the house of Representatives signed the same.

Ordered, the Clerk of the Council do cary the Address & Instruccōns to the Members of Council that are not present & gett their hands to it.

THE ADRESSE.

To the KING's Most Excellent MAJESTY.

The humble Adresse of yo^r Maties Captaine Gen^l & Governour the Council and Assembly of yo^r Maties Province of *Newyorke* in *America*.

Wee yo^r Maties most faithfull and obedient Subjects truely affectionate to your Interest and prosperity and in the highest degree bound by yo^r Maties grace and favour, with thankfull hearts acknowledge the happinesse we enjoy by the blessing of yo^r Government.

Yo^r Royall care and bounty to this Colony dos encourage, and its present condition presses us, to offer to yo^r Sacred Maties consideracōn the state of this part of yo^r Maties Empire, by persons ordered from home to attend yo^r Maties pleasure, humbly begging the continuance of yo^r goodnesse to this your Province and earnestly praying Almighty God to give your Majesty long life a victorious & happy reigne.

N Yorke, Novem^r 2^d 1695

ffred Philips
Steph Cortlandt
N. Bayard

G. Monvielle
Chid Brooke
William Nicoll

BEN FLETCHER.

Will^m Pinhorne
John Laurence
Caleb Heathcote

By order of the house of Representatives

JAMES GRAHAM, Speaker.

THE INSTRUCCIONS.

Instruccions for the Agents appointed by his Excell the Govern^r, the Council and Assembly of Newyorke to represent the state of the Province to His Majesty.

You are forthwith to repair to Court and deliver the publick papers sent by you. You are upon all occasions to expresse the true affeccōn of his Excell the Govern^r and Council and Assembly of this Province to his Matys Government, with their gratefull acknowledgement of the many particular favours bestowed upon the Province.

You are to represent the different manner and forms of Government in the neighbouring Colonies and Provinces and the situation of this with relation to Canida and the Indians of the five Nations.

The state and condicōn of our Garrisons upon the fronteers, particularly that of Albany, where the Indians always have had an amicable reception.

The diligence of the french of Canida and endeavours to extend their settlements to the southward of the Great Lake, upon the back parts of all his Maties Territorys on this Maine of America.

The incursions made by the french upon this Province and particularly since the warr.

The Great charge and duty the Inhabitants have undergone to preserve the Countrey from their encroachments as also the diligence of Our Indians, whose numbers are much decreased by the warr against Canida.

How detaching of the Inhabitants of this Province to the fronteers hath been a meane to drive our people, especially the youth, into the neighbouring Governments of Pensilvania & Connecticut, and many whole familys have removed at certaine times together.

That the Governour of Canida, by all intelligence we can have, has constantly five hundred men in Garrison at Mount Reall, the next considerable Garrison to Albany.

How this Province by the course of the rivers becomes a barrier to all the rest against Canida.

How little assistance has been given by our neighbours.

How his Maties gracious Royall Commands for assistance from our neighbours are defeated or evaded and a necessity laid upon us to bear the burden.

How the french have endeavoured by force & fraud to draw over the Indians of the five Nations to their side in order to turne them upon his Maties Plantations; none of which is so well provided against an Indian warr as this, although most of them have farr greater number of people.

That the french have lately resettled Cadaracqui and how difficult it is to repell them by Christian force.

The necessity of supporting our Indians with arms ammunicōn & cloathing &c, & the Great charge thereof.

And in all things, you are to study the good of the Province; to take all propper means to effect, and generally to move upon any other matter tending thereunto according to your discretion

Novem^r 2^d 1695.

fredryck flypse.
S. V. Cortlandt
N. Bayard

Gab Monvielle
William Pinhorne

BEN FFLETCHER.
John Laurence
Caleb Heathcote

By order of the house of Representatives,

JAMES GRAHAM, Speaker.

THE FIFTH ASSEMBLY THIRD SESSIONS.

At A Council held at his Matyes ffort in Newyorke the 26th of March, 1696.

PRESENT—

His Excell BENJAMIN FLETCHER, &c.,

FFRED. PHILIPS,
STEPH. CORTLANDT, } Esqrs.
GAB. MONVIELLE, }

THOMAS WILLET,
WILLIAM PINHORNE, } Esqrs.
CALEB HEATHCOTE, }

The Representatives not being come from Albany & Vlster, the river being shutt up, his Excell did adjourn till the 7th of April.

At A Council held at his Matyes ffort in Newyorke, the 7th of Aprill, 1696.

PRESENT —

His Excell BENJAMIN FLETCHER, &c.,

FFRED PHILIPS,
STEPH. CORTLANDT, } Esqrs.
NICH. BAYARD,

WILLIAM SMITH,
WILLIAM PINHORNE, } Esqrs.
JOHN LAURENCE,

His Excell ordered the Cl of the Council to call up the Speaker & Representatives, who being present, his Excell said :

Mr Speaker and you Gentl Representatives,

The great favours and kindnesses we have received from our most gracious King, calls for the outmost extent of O^r obedience and gratitude.

His Matye by late supplies of men, artillery and other stores of warr, with the Royall commands for assistance from the neighbouring Governments, (if a due compliance be made) has enabled us to withstand and oppose all our enemyes and to live in a happy security. Nothing but our sins can render his Matyes care ineffectuall. The blessings of Almighty God will go along with our endeavours if we first assert our duty to him and pay a due deference to our Prince. Obedience to Government is a part of religion.

The King neither Commands nor desires anything of us but what may contribute to our own felicity ; and this will be easily accomplished by a propper use of all those helps he has graciously condescended to give us.

It must be considered that all utensills of warr are but tools and of noe use without hands to imploy them.

The King has sent us men to worke with those tools for our ease and safety ; but men wear out ; they dye ; they desert ; are often sick and weak. Armyes and Battalions must be kept up by constant recruits, else they crumble to nothing.

The forces late sent over are much weakened since their arriveall and will be more soe unlesse some propper encouragement be thought of for them, as in the like case practiced in the Leeward Islands. The rate of Labourers runns so high in this Countrey, that most necessitous men rather choose to earn their bread with the spade, than the sword.

We shall want both men and money to render his Majestyes gracious assistance answerable to his Royall intentions.

It ought ever to be acknowledged with an humble sense on our parts, that notwithstanding his Majestyes present pressures, the great and bloody warr he is engaged in, the daily hazards he exposes his sacred person to, yet he remembers this litle handfull of his people.

Let us not forget what we ow to such a King ; to such Royall Bounty. Let us not forget our selves, but wisely consider onr own safety by strengthening our ffronteers, which I cheifly propose to you, as the best returne we can make ; the most acceptable service we can do, to our King and to our countrey.

His Majesty has by his Royall Letter recommended to us the building a Chappell in this ffort ; a former Assembly took some notice of it ; I hope you will not be wanting on your parts to forward & finish it.

I have directed Coll Cortlandt & Coll Heathcote to lay before you a clear account both of the revenue and taxes which will give you satisfaccōn. You'll finde the Government in debt ; and Consider that such Gentl as have advanced money upon the credit of it, may not suffer for their zeal for the publick weall, being the money thus lent has been when alarms or other exigents have called for an immediate care, wherein our comon safety seemed concern'd, and at such seasons when we could not timely meet in Assembly. I will not doubt of yo^r care in a matter of such moment. You will all concurr to keep up the credit of the Government which in some measure is the safety of it.

The money granted last sessions is in great part left to my dispose (it is not yet paid). I desire for my own ease and your satisfaccōn that a Committe of yo^r house may conferr with a Committe of the Council on this matter ; that the money be applyed to the publick good. I would have it obvious to you and all men that it is not converted to any by or private ond, nor do I desire one penny of it should be paid unto me, nor to be any further concerned than to signe warrants for the payment of it to such uses as you shall advise.

Gentl. I wish you a good agreement and understanding amongst yourselves that his Matyes favours be not lost upon us, hut that the safety honour and prosperity of this Province may be timely considered, as by his Majesty in the repeated succours he has been graciously pleased to send us, so on our parts by an humble acknowledgement for them and a propper applicacōn of them.

The Representatives being returnd to their house, The Gentl of the Council acknowledged great satisfaccōn in his Excell care & proposalls to the Assembly and did returne thanks to his Excell for his favourable speech.

Maj^r Wessells and Cap^t Dekey from the Assembly desire a copy of his Excell^{ty} speech, which was granted.

Adjourned to the 9th of April.

At A Council held at his Matyes ffort in Newyorke, the 9th of April, 1696. Postmeridie.

PRESENT —

His Excellency BENJAMIN FLETCHER, &c.,

FRED. PHILIPS,
STEPH. CORTLANDT, } Esqrs.
NICH. BAYARD,
WILL^m SMITH,

THOMAS WILLETT,
WILL^m PINHORNE, } Esqrs.
PETER SCHUYLER,
CALEB HEATHCOTE,

A Message from the Assembly was read, desiring a Committe of the Council may be appointed to conferr with a Committe of their house concerning strengthening the fronteers at Albany.

Ordered, Coll Steph Cortlandt, Coll Nich Bayard, Coll William Smith, William Pinhorne Esqr & Coll Caleb Heathcote be a Committe of the Councill to conferr with the Committe of the Assembly accordingly.

Adjourned to the 16th of April.

At A Council held at his Matyes ffort in Newyorke, the 16th day of April, 1696.

PRESENT —

His Excellency BENJAMIN FLETCHER, &c.,

FRED. PHILIPS,
STEPH. CORTLANDT, } Esqrs.
WILLIAM SMITH,

WILL^m PINHORNE, } Esqrs.
PETER SCHUYLER,
CALEB HEATHCOTE,

The peticoⁿ of Patience Lloyd, widdow of Thomas Lloyd decd, David Lloyd, Isaac Norris John Godfrey and Elizabeth Lloyd, was read, praying His Excellency the Governour, the Council and Assembly to have a certaine deed poll declaring uses of a parcell of Land without the Gate of the City of Newyorke, purchased from Cap^t Will^m Dyer, cutt off & made void by Act of Gen^l Assembly, & to Enable the Executors of Thomas Lloyd decd. to sell the same for payment of debts.

The Council are unanimously of opinion the same ought to be granted.

Ordered, A Bill Enabling the Executors of Thomas Lloyd &c. be read a first, second and third time.

His Excell the Govern^r & Council do assent unto the Bill Enabling the Executors of Thomas Lloyd &c, being three times read.

Ordered, it be recommended to the Assembly to consider of a Bill for payment of Maj^r Schuylers Company, from the first of March to the first of May 1696, & that Fred. Philips Esqr deliver this recommendacⁿ.

Ordered, a Bill for raising £2593. 6. 8. be read a first time.

Adjourned till afternoon.

At A Council held at his Matyes ffort in Newyorke, the 16th of April, 1696. Afternoone.

PRESENT —

His Excellency BENJAMIN FLETCHER, &c.,

STEPH. CORTLANDT, } Esqrs.
NICH. BAYARD,
GAB. MONVIELLE,

WILL^m PINHORNE, } Esqrs.
PETER SCHUYLER,
CALEB HEATHCOTE,

Ordered, Coll Steph Cortlandt, Coll Nich Bayard, Coll Will^m Smith, William Pinhorne Esqr & Coll Caleb Heathcote be a Committe to conferr with a Committe of the Assembly concerning these words in the Bill for raising £2593. 6. 8^d. viz^t: to free the Inhabitants of the Province from detachments except in case of invasion or rebellion for and during the space of one year from the first of May 1696 to the first of May 1697; and that Coll Monvielle carry the message and desire the Assembly to appoint a Committe accordingly.

The Bill to Enable the Executors of Thomas Lloyd &c is Enacted by his Excell the Governour.

Adjourned till morrow morning.

At A Council held at his Matyes ffort in Newyorke, the 17th of Aprill, 1696.

PRESENT—

His Excell BENJAMIN FLETCHER, &c.,

STEPH. CORTLANDT, }
NICH. BAYARD, } Esqrs.
WILL^m SMITH, }

WILLIAM PINHORNE, }
CALEB HEATHCOTE, } Esqrs.

A Message from the Assembly was read signifying that the house do assent unto an amendment proposed by the Committe of the Council yesterday viz: that, instead of invasion and rebellion, be inserted: inevitable necessity.

His Excell did offer his opinion not to passe the sd Bill for raising of £2593. 6. 8. with these words in it, being intended as a limitacō of his power granted him by his Matye.

Whereupon the Council do advise his Excell, that they have conferred with the Committe of the Assembly at sundry times and understand, they will give no supplys for security of the fronteers but upon expectacō of being eased from detachments, & that something be put in the Bill to that purpose to please the people—That there is an absolute necessity for getting supplys for the fronteers, And farasmuch as his Excell is judge of the inevitable necessity to detach, do therefore advise his Excell to passe the Bill as they have agreed to amend it.

The Bill for raising £2593. 6. 8. being read a second time, and it being observed there is present occasion of money to levy recruits for the fronteers & for encouragement of those already there, the backwardnesse of the payment of the 700£ raised by the Assembly in Octor last, whereof very little as yet paid to the Rec^r Gen^l and that the first payment of the 2593. 6. 8 is to [be] made the 27th of September next, by direction of the Act, and no provision made in the Bill for an immediate supply to answer the intended purposes of the Act.

It is therefore *Ordered*, the Gentl of the last Committe be a Committe to Conferr with a Committe of the Assembly, to be thereunto appointed, upon some method to provide a present supply to answer the present charges of raising recruits.

Adjourned till morrow morning.

At A Council held at his Matyes ffort in Newyorke, the 18th of Aprill, 1696.

PRESENT—

His Excell BENJAMIN FLETCHER, &c.,

STEPH. CORTLANDT, }
NICH. BAYARD, } Esqrs.
GAB. MONVIELLE, }
WILL^m SMITH, }

WILLIAM PINHORNE, }
PETER SCHUYLER, } Esqrs.
CALEB HEATHCOTE, }

His Excell did expresse that the more he considered the Bill for raising the 2593. 6. 8, the greater aversion he hath to passe it; That he never had had any difference with the Council since their Matyes did conferr this trust upon him, and hoped there should never be any; and if it be their opinion that he passe that Bill, he will consent to passe it, though against his own inclinacōs, for which he did offer his reasons in writeing, And desired they will withdraw to a room by themselves and consider of them, and if they insist to advise his Excell to passe it, that then they will put their reasons likewise in writeing, that they remain upon record.

The REASONS offered by his Excell against passing the Bill.

First. The Bill does not answer the end; there is no provision made for the expence of officers that must be employed to the neighbouring Colonies in raising of the men, nor for the incidentall charge of marching and transporting the men to the fronteers, if they can be raised (which is yet a doubt, and allowing the money to be all solvend and paid at the time appointed (which can never be expected), it cannot answer the sume of three pounds a man levy money, which must be instantly paid them in hand.

Secondly. If these men cannot be levyed upon this encouragement, there is no provision made for the security of the Province; money without hands gives no defence, and though you may allow me to be Judge of the inevitable necessity, the Representatives plainly show they are not of this opinion, by refusing to allow such a proviso to be put in the bill.

Thirdly. By this Bill the power of detachments seems to be cutt off for a twelve month. The words—inevitable necessity—will need an explanacōn, which the Assembly (as they have done in another case, will alwayes pretend to be judges of, by which means the people will be blown up to a flame and deny obedience to my commands, be the necessity never so great and inevitable.

BEN FLETCHER.

The REASONS offered by the Council for the passing of the Bill.

We are humbly of opinion with yo^r Excellency, that this Bill does not fully nor perfectly answer the end; but we do humbly offer that, alter many debates and conferences with the Committees of the Assembly upon these heads, we do not finde any other better wayes or means can be at present obtēd. And that although there is by the said Act no provision made for incidentall charges, that must certainly accrue in the imploying officers for the procuring levying and transporting such men as shall be so gott, yet in regard to this disposition of this money for this end is left to be imployed as yo^r Excellency shall judge fitt, We are of opinion that such part thereof as may be needfull and can be presently raised, may be properly applicable to the imploying officers for that end to the neighbouring Provinces.

To the *second*. We are humbly of opinion that though in expresse words, in case the way of raising men by this Bill without detachments fail, there is no other certaine way proposed, yet we are humbly of opinion that if after all means used for levying these men without detachments they cannot be gott, it must then be understood there will then be an inevitable necessity for detaching men out of this Province, and that your Excell will be pleased to send for the whole house and so explain that clause to them.

To the *third*. We do humbly offer our opinion to yo^r Excell, that by this Act yo^r Excell^r power of detaching is not cutt off, but restrain'd as in the foregoing article is explained, and such an explanacōn will prevent all misinterpretacōn on that head.

For which reasons We are humbly of opinion, That it is agreeable to his Matyes service and for the ease and benefite of this Province that yo^r Excellency do give your assent unto the said Bill; which is humbly submitted by

Yo^r Excell obedient servants

N. Bayard
S. Cortlandt
C. Heathcote
G. Monvielle

W. Pinhorne
P. Schuyler
W. Smith

Ordered, the Bill for raising £2593. 6. 8 be read a third time.

His Excellency the Govern^r & Council do assent unto the bill for raising £2593. 6. 8, being three times read as amended.

Ordered, the Cl of the Council do inquire if the Assembly have any thing to offer this forenoon; who brought answer, there is something the Assembly have to offer forthwith.

Ordered, the Message from the Assembly be read whereby they desire for some consideracōns, that his Excellency the Governour and Council will please to joyne with the Assembly in taking up two hundred and fifty pounds upon the credit of the Government at tenn p^{er} cent interest, untill the same be paid, which they will provide for next sessions, being to pay off Maj^r Schuylers Company of fusileers from the first of March last to the first of May ensuing, being two months.

His Excell the Govern^r & Council do agree thereunto.

Ordered, L^t Coll Monvielle cary down this answer to the Assembly and desire them to take into their consideracōn the debts of the Government & the Chappell.

Adjourned to the 20th of Aprill.

At A Council held at his Matyes ffort in Newyorke the 20th of April, 1696.

PRESENT—

His Excellency BENJAMIN FLETCHER, &c.,

STEPH. CORTLANDT, }
NICH. BAYARD, } Esqrs.
GAB. MONVIELLE, }

WILL^m PINHORNE, }
CALEB HEATHCOTE, } Esqrs.

Cap^t Schuyler & Cap^t Whitehead brought a Message from the Assembly desiring a Committe May be appointed to consider of the debts of the Government and charge of the Chappell against next sessions; which is read.

Whereupon His Excell and the Council do think fitt & necessary for his Matyes service, the Assembly do proceed immediatly upon the accounts of the Government and the Chappell; And therefore it is

Ordered, Coll Steph Cortlandt, Coll Nich Bayard, Will^m Pinhorne Esqr and Coll Caleb Heathcote be a Committe of the Council to conferr with a Committe of the Assembly at Coll Heathcotes chamber, this afternoone thereupon. And that L^t Coll Manvielle deliver this answer to the Assembly and desire they will appoint a Committe of their house accordingly.

Adjourned till the 23th of Aprill.

At a Meeting of Committes of Council & Assembly at Coll Heathcotes chamber
April 20th, 1696.

PRESENT—

Coll CORTLANDT,	} Of the Council.	
Coll BAYARD,		
WILL ^m PINHORNE,		
CALEB HEATHCOTE, Esqrs.		
Cap ^t SCHUYLER,	} of the Assembly.	
Maj ^r HOWELL,		
Maj ^r WESSELLS,		
Maj ^r DEMYRE,		
Cap ^t READE,		
	Cap ^t WHITEHEAD,	} of the Assembly.
	K. V. RANSLAER,	
	TUTHILL,	
	VAN EKLIN,	

The Committe of the Assembly refuse to treat of finishing the Chappell, having no direccōns from their house to meddle any further than the accounts of the Government.

Adjourned till morrow morning.

At A Meeting of the Committees the 21th of Aprill 1696 *ibidem*

PRESENTIBUS— *visdem cum ELLIS DUXBURY qui heri aberat.*

After some debate it is agreed, that there is due to the taxes, Maj^r Ingoldesby expedicōn included. £317. 13. $\frac{1}{4}$ and that when all the money raised by the additionall duty is paid to the propper uses to the 25th of March 1696, there remains the sume of Eight hundred ninety five pounds four shill^s eleven pence, wanting to answer those uses.

At A Council held at his Matyes ffort in Newyorke, the 23th of Aprill, 1696.

PRESENT —

His Excellency BENJAMIN FLETCHER, &c.,

FFRED PHILIPS,	} Esqrs.	WILLIAM PINHORNE,	} Esqrs.
STEPH. CORTLANDT,		PETER SCHUYLER,	
NICH. BAYARD,		JOHN LAURENCE,	
GAB. MONVIELLE,		CALEB HEATHCOTE,	

His Excell ordered the votes of the house to be read.

The Committe of the Council did report what had passed at their meeting, which was read.
Adjourned till the 24th of Aprill.

At A Council held at his Matyes ffort in Newyorke, the 24th of April, 1696.

PRESENT—

His Excell BENJAMIN FLETCHER, &c.,

STEPH. CORTLANDT,	} Esqrs.	WILLIAM PINHORNE,	} Esqrs.
NICH. BAYARD,		PETER SCHUYLER,	
GAB. MONVIELLE,		CALEB HEATHCOTE.	

A Bill being returned from the Assembly for continuing the addicōnall duty for eighteen months longer, from the 10th of November next ensueing &c. the same was ordered to be read a first, second & third time.

His Excell the Governour & Council do assent unto the Bill continuing the additionall duty, eighteen months longer &c, being three times read.

Ordered, the Cl of the Council do call M^r Speaker & the whole house to attend his Excell in Council Chamber forthwith; being all present his Excell said:

M^r Speaker and you Gentl Representatives,

This is the Cheife Bill upon which our safety hinges; its for money to levy men to recruite his Matyes Companies for the strengthening of the fronteers. I have some exceptions to the wording of it, and the substance. I was against the passing of it, and gave my reasons to the Council. It does not seem to answer the end. The Gentl of the Council have given in their Opinions under their hands for passing of it, I have resigned my reason to theirs and therefore passe it.

Gentl. I am as tender of the peoples ease as any of you, and have earnestly both studyed that and their safety; yet if men cannot be found for the encouragement you enable me to give,

notwithstanding the endeavours and pains I shall take to procure them, and the frontiers become weak and exposed, I shall think the necessity of detachments inevitable, being resolved not to lose one fort of this Province while I have hands to defend it. When the disease is desperate, the cure must be soe and as this is the sharpest remedy, it shall be the last I shall use, and obvious to all good men the necessity is inevitable.

The second is a Bill for paym^t of debts contracted long before my arriveall. It is Commendable in you to keep up the credit of the Government. I have bin as good a husband of the Kings revenue as ever I was of my own private fortune. I understand not an account. I left that part to the Gentl of the Council who are of the greatest interest amongst you; whom I beleive to be honest men and to have dealt fairly in the matter of the publick accounts.

The third is a Bill to cutt off a deed of Trust with uses, for payment of debts. It is private. I suppose most of yo^r affairs will call you home. I think fitt to adjourne you to the 29th of Septem^r next, and desire Mr Speaker to adjourne the house accordingly.

The end of the third Sessions of y^e fifth Assembly.

THE FIFTH ASSEMBLY FOURTH SESSIONS.

At A Council held at his Matyes ffort in Newyorke, the 12 of September, 1696.

PRESENT—

His Excell BENJAMIN FLETCHER, &c.,

FFRED PHILIPS,
STEPH. CORTLANDT, } Esqrs.
NICH. BAYARD,

WILL^m SMITH,
WILL. PINHORNE,
PETER SCHUYLER, } Esqrs.
CALEB HEATHCOTE,

It is the opinion of the Council in consideracōn there is absolute necessity of his Excell going to Albany to meet the Indians, the Assembly be adjourned to the 15th of Octo^r next, and Proclamacōn ordered accordingly.

[N. Y. Colonial Manuscripts XL., 200.]

BY HIS EXCELLENCY

Coll. *Benjamin Fletcher*, Captain General and Governour in Chief of His Majesties Province of *New York*, &c.

A PROCLAMATION.

WHEREAS His Majesties service doth call for my immediate Presence at *Albany*, to Compose and settle the Indians of the Five Nations in a stedfast Friendship with all His Majesties subjects, and to Condole the Loss which they have lately sustained from the *French* of *Canada* and their *Indians*. I have therefore, with the Advice and Consent of His Majesties Council for this Province, thought fit to Adjourn the present Assembly from the Twenty ninth Day of *September* Instant, to the Fifteenth day of *October* next following. And the General Assembly of this Province is hereby Adjourned accordingly.

Given at Fort William Henry the Twelfth Day of September, in the Eighth Year of the Reign of our Sovereign Lord WILLIAM the Third, by the Grace of God, King of England, Scotland, France and Ireland, Defender of the Faith &c.
Annoq; Domini 1696.

BEN. FLETCHER.

God Save the KING.

At A Council held at his Matyes ffort in Newyorke the 15th of Octo^r, 1696.

PRESENT —

His Excell BENJAMIN FLETCHER, &c.,

STEPH. CORTLAND, }
NICH. BAYARD, } Esqrs.
WILLIAM SMITH, }

GAB. MONVIELLE, }
CALEB HEATHCOTE, } Esqrs.

Adjourned till morrow morning for a fuller house.

At A Council held at his Matyes ffort in Newyorke, the 16th of October, 1696.

PRESENT —

His Excell BENJAMIN FLETCHER, &c.,

FRED. PHILLIPS, }
STEPH. CORTLANDT, } Esqrs.
WILL^m SMITH, }

GAB. MONVIELLE, }
WILLIAM PINHORNE, } Esqrs.
CALEB HEATHCOTE, }

Ordered, the Cl of the Council do desire M^r Speaker and the whole house to attend his Excell in Council forthwith.

The Council and Assembly being present, His Excell said :

M^r Speaker and you Gentlemen Representatives.

The season of the year will hardly admitt of a long session, yet the present State of the Province calls for deliberate and mature consideracōn.

The last session was carryed on with a true regard of Our duty to his Majesty, Our most gracious King. We had no heat, but were united agreeing in all our debates, so I hope it shall alwayes be; We remain the same men and retain the same principles.

M^r Speaker. I am to acquaint you I have been necessitated twice this summer by advice and consent of the Councill, to visite Albany. The ffrench Governour of Canada marched with so considerable a force into the Indian Countrey of Onnoudage and Oneyde, that I could not suppose his designe would end there, but expected that he would with that strength attempt Albany, where I was ready to adjust my duty in defence of the place. He contented himselfe with a poor insult over our naked Indians, and retired. Yet he destroyed the Castles and corne of those two Nations who must perish this winter if not releived by us.

You all know they have been true to their Matyes interest in joyning with this Province, against our Common Enemy the ffrench, and unlesse encouraged, may be compelled by poverty to make their peace with them.

My second journey was to comfort those distressed Indians and to assure them of his Majestyes Royall favour and protection and tō renew the covenant chain with the whole Five nations, which has been done with as much cheerfullnesse on the part of the Indians as I have ever yett observed.

I gave them those presents which his Majesty in his great consideracōn of their services to us (his loyall subjects of this Province) was pleased to send from England, as marks of his Royall bounty; they bespoake the magnificence of Our Great King, yet did not answer the wants of those distressed people, so that the Council thought it necessary to add, at the charge of the Province, such things as suited best their present necessities. This has occasioned a great charge which I recommend to yo^r consideracōn and hope you will inquire into.

The Council has joyned with me to take money on the creditt of the Government, to answer this emergency.

At my renewing the covenant chain (so the Indians terme it) I found myselfe obliged to promise a supply of provisos to the Onondages and Cayouges, they being the only sufferers of the five Nations in the ffrench descent. This I hope you will consider by raising a fund to answer it.

M^r Speaker,

The money so generously granted in a former session for the Encouragement of his Majestyes Companies has not had the effect you designed and I endeavoured. Either the neglect of the Assessors and collectors or want of force in the Acts has occasioned a great arrear by which the Soldiers have been discouraged and evill minded men have found arguements to perswade them to desert the Service. The most of those who voluntarily inlisted themselves upon the Encouragement you gave of three pound a man levy money (which I am sure was paid them) notwithstanding the addition of four pence a day which you have also given, they have deserted; fourteen out of one company taking the Kings arms with them, and are received and harboured by their relations in the face of the magistracy. This evill has its source principally from the

failure of payments at the appointed times, soe that three Companies which out to be a hundred each, are dwindled to two hundred twenty one men. One hundred more will barely answer a necessary force for the defence of that place which I recommend to yo^r consideracōn.

Coll Cortlandt who receives that money, will show you, as he does me, that of the taxes payable the 25th of March past, there is an arreare of twenty-one hundred, seventy-nine pounds, five shillings and four pence farthing, and of that payable the 29th of September last, one thousand two hundred and nineteen pounds, thirteen shillings two pence halfe penny. I hope you will think of preventing this malady by giving force to yo^r acts, that money be duely paid according to the time and that all deserters may be punished, with those that harbour them.

The security of this Province, yo^r own Estates and freeholds depends upon yo^r care in these two materiall points.

Mr Speaker

I have received an addresse from the magistrates of Albany desiring my presence with them this winter. I assured them I was ever ready to be where his Majestyes service calls and promised them an answer in fourteen days; but was willing to have the concurrence of the Councill and Assembly in a matter which seems of moment; All correspondance betwixt Yorke and Albany being shutt up by the frost for some months. Their Addresse I shall lay before you; it contains their reasons

I desire a Committe of yo^r house may joyne a Committe of the Councill to consider of it and give me advice.

I am very sensible of the great pressures We lye under by the present warr while this Province singly bears the weight and is become a frontier to our neighbouring Provinces whose safety is derived from the preservacōn of Albany no less than ours

We not only pay a duty upon our trade but are also taxed for our private Estates the very noise thereof freightens away the trading vessells to the neighbouring Colonies that are free from this duty albeit they often come to a worse mercate

I have made frequent applicacōn for assistance from our neighbours but have not been able to obtain one man but this matter will be represented to his Majesty by those employed for that purpose You have an Agent in England of yo^r own choice who I am sure will faithfully state the case of the Province before the King and I do not doubt but that his most Sacred Majesty will afford us such releif as will lighten our burthen.

I hope you will not lett a good cause (the Generall concerne) fall for want of a supply.

Gentlemen

You have free accesse to all the books of receipts and disbursements of the Revenue and taxes of the Province I do earnestly desire you^{le} to satisfy yo^r selves in the disposition of it

I do declare to you and shall be always able to make it appear that I never received one penny of the publick money raised upon the Countrey neither by my own hand or any other for my use nor never designed or desired to enrich my selfe by it; in this matter you can vindicate me when you please.

I pray God direct you to what may tend to his glory the honour of his Sacred Majesty our King the safety & prosperity of this Province

The Gentlemen of the Councill acknowledge great satisfaccōn in what his Excell was pleased to offer to the Assembly and returne thanks for his Excell great care and conduct.

Adjourned to the twentyeth of Octo^r

At A Council held at his Matyes ffort in Newyorke the 20th of October, 1696.

PRESENT—

His Excell BENJAMIN FLETCHER, &c.,

STEPH. CORTLANDT, }
NICH. BAYARD, } Esqrs.
WILL^m SMITH, }

THOMAS WILLETT, }
WILLIAM PINHORNE, } Esqrs.

The Assembly did returne the names of a Committe of their house Appointed to concerte with a Committe of the Councill about the necessity of his Excell being at Albany the ensuing winter or of his being at Newyorke and desired a Committe of the Council to be thereunto appointed.

Ordered, Coll Steph Cortlandt, Coll Nich Bayard, Coll Will^m Smith, Coll Thomas Willett & William Pinhorne Esq be a Committe to joyne the Committe of the Assembly accordingly to meet at 3 o'clock afternoone at Coll Cortlandts house

Ordered, Coll Willet deliver this answer to the house.

Adjourned till morrow morning

At A Council held at his Matyes ffort in Newyorke the 21st of Octo^r, 1696.

PRESENT—

His Excellency BENJAMIN FFLETCHER, &c.,

STEPH. CORTLANDT, }
NICH. BAYARD, } Esqrs.
WILL^m SMITH, }

GAB. MONVIELLE, }
WILL^m PINHORNE, } Esqrs.
CALEB HEATHCOTE, }

His Excell did communicate intelligence from Albany of a party of french that were come from Canida to do mischeife upon the fronteers of this Province who are defeated & their leader wounded three of whom are brought heither prisoners & That a party of Indians & Youth from Albany are commanded to the Crown Point halfe way to Canida to intercept their retreate which will cause some charge.

Ordered, the papers be sent to the Assembly for their perusall and that they be desired to consider of the charge that does accrue by so necessary a service.

The Committe of the Council do report that they had concerted with the Assembly concerning his Excell being at Albany next winter and finde the major part of the Committe for his Excell tarrying at Newyorke the Seat of Government who did likewise say they did beleive it the opinion of the most of the house.

Adjourned till morrow morning.

At A Council held at his Matyes ffort in Newyorke, the 22th day of October, 1696.

PRESENT—

His Excell BENJAMIN FFLETCHER, &c.,

FFRED. PHILIPS, }
STEPH. CORTLANDT, } Esqrs.
NICH. BAYARD, }
WILL^m SMITH, }

THOMAS WILLETT, }
WILLIAM PINHORNE, } Esqrs.

It is Ordered that part of M^r Livingstons peticoⁿ relating to the £388. 8. 7 be recommended to the Assembly according to the report of the Committe of the Councill thereupon.

Adjourned till morrow morning.

At A Council held at his Matyes ffort in Newyorke, the 23th day of Octo^r, 1696.

PRESENT—

His Excell BENJAMIN FFLETCHER, &c.,

NICH. BAYARD, }
WILL. SMITH, } Esqrs.
GAB. MONVEILLE, }

WILL. PINHORNE, }
CALEB HEATHCOTE, } Esqrs.
THO. WILLETT, }

The votes of the house yesterday being read this day and it appearing that the Assembly have not provided to give a supply to answer the addicoⁿall charge of the Indians &c but upon that head have concluded that since there is so great an arrearage of taxes the sd charge be paid out the revenue.

That to that clause of his Excells Speech relating the arrearages of taxes they have voted that such bills brought into the house be made of such force as may be answerable to the Law of England.

And that having formerly sent up a Bill for punishing deserters &c which was laid aside they cannot fall upon a better way.

It is therefore *Ordered*, Coll Stephen Cortlandt, Coll Nicholas Bayard, Coll Will Smith, William Pinhorne Esqr and Coll Caleb Heathcote be a Committe to concert with a Committe of the Assembly upon the sd votes and resolves at Coll Cortlandts house at 3 a clock this afternoone and that Coll Willet doe carry this message to the house and desire them to appoint a Committe accordingly.

At A Council held at his Matyes ffort in Newyorke the 28th day of Octo^r, 1696.

PRESENT —

His Excell BENJAMIN FLETCHER, &c.,

STEPH. CORTLANDT, }
NICH. BAYARD, } Esqrs.
GAB. MONVIELLE, }

WILL. PINHORNE, }
CALEB HEATHCOTE, } Esqrs.

His Excell did communicate to the Council An Adresse presented to him by Captain Reade and Capt Demyre from the Assembly in *hac verba*.

May it please Yo^r Excellency

Vpon the consideracōn of the report of the Committe of this house that conferred with a Committe of the Council concerning that part of yo^r Excell^s speech relateing to the Adresse of the Magistrates of Albany and of yo^r Excell^s residence there this ensuing winter the house cannot but with the greatest of thankfullnesse acknowledge the care yo^r Excell^s hath always had of the fronteers of this Province and more especially for the great dispatch yo^r Excell^s made in visiteing the same upon the late Invasion of the ffrench to the great terrour and discouragement of the enemy who withdrew their forces without doing any considerable damage and also with the like gratitude they humbly acknowledge Yo^r Excell^s great condescension in consulting them in a matter of that trust which his Majesty has been graciously pleased only to lodge with Yo^r Excell^s and that as heitherto they have experienced the good effect that has always attended Yo^r Excell^s faithfull discharge of the said trust by having the fronteers preserved from any insults of the enemy so that they have cause to beleive that by Yo^r Excell^s future prudent conduct the same may be preserved from any encroachment of the enemy and the subjects in the rest of the Province to remain in perfect tranquillity and with intire confidence thereof they with all cheerfullnesse will be ready to assist Yo^r Excell^s in all attempts against the enemy with the outmost of their ability and humbly pray for a continued prosperity to attend Yo^r Excell^s in all Yo^r Excell^s endeavours for the preservacōn of the fronteers and good of the Province.

By order of the house of Representatives.

JA. GRAHAM, Speaker.

Resolved, thanks be returnd to the Assembly from *His Excell* the Govern^r and Council for their favourable Adresse and that they be made acquainted that *His Excell* having some apprehension of difficulty in getting the hundred men to recruite the Companies at Albany before the shutting up of the river in which case his Excell^s is resolved to put his person in that Garrison whereby an extraordinary charge will accrue and in procuring the Inhabitants of Vlster and Dutchesse County to march upon occasion theither and from Connecticut if they will Comply As alsoe many other incidents which cannot be computed before hand will happen upon the fronteers for which reasons *His Excell* desires the Assembly will order the surplusage of the money that is provided for such of the hundred men as cannot be gott may be applied to nuswer the extraordinary charge and to know the resolution of the whole house therein.

Ordered, William Pinhorne Esqr and Coll Caleb Heathcote do returne the thanks of his Excell^s and Council and deliver this message to the Assembly.

Adjourned till morrow morning.

At A Council held at his Majestyes ffort in Newyorke, the 29th day of Octo^r, 1696.

PRESENT —

His Excell BENJAMIN FLETCHER, &c.,

FFRED. PHILIPS, }
STEPH. CORTLANDT, } Esqrs.
NICH. BAYARD, }

GAB. MONVIELLE, }
WILLIAM PINHORNE, } Esqrs.
CALEB HEATHCOTE, }

Ordered, A Bill for raising one hundred men & £1200 be read a first second and third time.

His Excell the Governour and Council do assent unto the sd bill being three times read with the following amendments (to wit)

That in pag 4th line 9th insteade of (defraying his Excell^s journey to Albany at) be inserted (expended for the releife and encouragement of the Indians to continue Stedfast in their allegiance and freindship at and since.)

That in pag 4. line 14. instead of (his Excell^s said journey) be inserted (the said charge.)

That such clause and provision be made in case of the neglect or default of the Mayor Aldermen and justices of the peace as is provided and Enacted in an Act of a former Assembly Entituled An Act for the raising of £6000 &c.

That the Assessors be limited to some time to bring in their rolls of Assesment.
 And that in fol 11. line 5th after (cary away) be inserted, any where within this Province.
 It is ordered Leiv^t Coll Gabriell Monvielle and William Pinhorne Esqr do cary down this Bill with the amendments annexed for the consent of the Assembly unto them.
 Adjourned till morrow morning.

At A Council held at his Matyes ffort in Newyorke, the 30th day of October, 1696.

PRESENT—

His Excell BENJAMIN FLETCHER, &c.,

STEPHEN CORTLANDT,
 NICHOLAS BAYARD,
 GABRIELL MONVIELLE, } Esqrs.

WILLIAM PINHORNE, } Esqrs.
 CALEB HEATHCOTE, }

The Assembly having made returne of what amendments in the Bill for raising 100 men and £1200 they can agree to the same were three times read and assented unto by the Govern^r & Councill and His Excell did Enact the sd Bill.

The Assembly having sent up a Bill to vacate a Deed of Trust made by John Robinson to William Nicolls Esqr and to confirme a deed Poll for the land contained in the sd deed of trust to Cornelius Barneson.

It is *Ordered* William Pinhorne Esqr do waite upon M^{rs} Nicolls to know if her husband has advanced anything upon consideraçon of the said Deed of trust to the children of M^r Robinson.

M^r Pinhorne brought answer that she was willing the Bill do passe forasmuch as she knew her husband no other wayes to be concerned than to be named trustee therein.

Ordered the sd bill be read a first second and third time.

His Excell the Governour and Council do assent unto the sd Bill being three times read and His Excell did Enact the same.

A message of the Assembly was delivered in Council to his Excell by Maj^r Howell with seven more of the house who were appointed a Committe and desire a Committe of the Council be appointed to conferr with them in drawing up an Adresse to his Most Excellent Matye and an Association to be signed by his Excell the Governour & Council and Representatives of this Province mett in Generall Assembly being their first sessions after the joytull news of that wonderfull deliverance to his Matyes sacred person and Government from the horrid and detestible Plott and Confederacy.

Ordered, the whole Council or any four of them be a Committe to joyne the Committe of the Assembly at Coll Cortlandts house 3 a clock this afternoone in the forming such Adresse and Association.

Ordered, Lt Coll Monvielle returne this answer to the Assembly.

Adjourned till the 2^d of November.

At A Council held at his Matyes ffort in Newyorke, the 2^d day of November, 1696.

PRESENT—

His Excellency BENJAMIN FLETCHER, &c.,

FRED PHILIPS,
 STEPH. CORTLANDT,
 NICHOLAS BAYARD, } Esqrs.

WILLIAM PINHORNE, } Esqrs.
 CALEB HEATHCOTE, }

Ordered, William Pinhorne Esqr do deliver to the Assembly the Paper relating to that part of M^r Livingstons peticoñ concerning the £388. 8. 7.

His Excell did recommend to the Councill to use their endeavours to procure the £1200 upon the Creditt of the Act of Assembly forthwith that the recruits may be levyed and desired they will report what is done therein next meeting.

The Councill promise their outmost endeavours.

His Excell did acquaint the Council that this place in all probability is secured from any attempt by sea these winter months that the Inhabitants of Albany are in some consternacõn and fear of the Enemy many of the Inhabitants threatening to remove which howsoever groundlesse and without reason is to be regarded for that the Indians finding the Inhabitants removed may be thereby discouraged & fall away to the french. And therefore his Excell did publish his resolution of setting forth for Albany next week at furthest.

The Councill do returne their thanks for his Excells great care of the Province that he will expose his person to such hardship for the safety and welfare of the Province.

Maj^r Demyre and M^r Rauslaer brought a Message from the Assembly desiring to know if his Excell had anything to offer for his Matyes services at this time.

Whereupon it is resolved there is not further at present to be offered only the businesse relating Mr Livingston which was recommended to them this morning And that they be made acquainted of the difficulty there is to raise the £1200 at interest upon the credit of the Act and of getting 100 men and his Excell having thereupon declared that he finds it necessary for him to put his person in Albany this winter and that he will sett forth next week it is hoped they will consider against next sessions of the extraordinary charge that will happen.

Ordered, William Pinhorne Esqr and Coll Heathcote do deliver this message to the Assembly.
Adjourned till morrow morning.

At A Council held at his Matyes ffort in Newyorke, the 3^d of November, 1696.

PRESENT—

His Excell BENJAMIN FLETCHER, &c.,

FRED PHILIPS,
STEPH. CORTLANDT, } Esqrs.
NICH. BAYARD,
GAB. MONVIELLE, }

THOMAS WILLETT,
WILLIAM PINHORNE, } Esqrs.
CALEB HEATHCOTE, }

His Excell the Governour and Council did signe An Addresse of Congratulation to his Most Excell^t Matye & an Association and sent to the house of Representatives to be signed by the whole house.

THE ADDRESSE.

To the KINGS Most Excellent MAJESTY.

The humble Addresse of yo^r Majestyes Captaine Generall and Governour in Cheife and the Councill and Representatives of yo^r Matyes Province of New Yorke in America now mett in Generall Assembly.

We yo^r Majestyes most humble most Loyall and most Obedient Subjects deeply sensible of the great and good providence of Almighty God lately manifested to all yo^r Majestyes good people in the most gracious and wonderfull deliverance of Yo^r Sacred Person from the horrid and detestible conspiracy of Yo^r Enemyes Do heartily congratulate the same and do daily offer up our prayers to Almighty God for the preservacón of Yo^r Majestyes Person so frequently exposed to danger for our religion and liberty and to grant unto Yo^r Majesty long life a victorious and happy reigne.

November 3^d 1696

BEN FLETCHER
fredryck flypse
S. V. Cortlandt

N. Bayard
G Monvielle
Thomas Willett

William Pinhorne
John Laurence
Caleb Heathcote

David Jamison, Cl. Concilij.

THE ASSOCIATION.

WHEREAS there has been a horrid and detestible Conspiracy formed and caryed on by Papists and other wicked and traiterous persons for assassinateing his Matyes Royall Person in order to encourage an invasion from France on England to subvert our religion Laws & liberty.

We His Matyes Governour and Councill and Representatives of his Matyes Province of Newyorke in America now mett in Generall Assembly whose names are hereunto subscribed do heartily sincerely and solemnly professe testify and declare that his present Majesty King William is rightfull and Lawfull King of the Realme of England Scotland and Ireland and Supreme Lord of all the Territoryes and Dominions to the sd Kingdoms belonging or depending on them that neither the late King James nor the pretended Prince of Wales nor any other person hath any right whatsoever to the same And we do mutually promise and engage to stand by and assist each other to the outmost of our power in the Support and defence of his Majestys most Sacred Person and Government against the late King James and all his adherents and in case his Majesty come to any violent or untimely death (which God forbid) We do hereby further freely and unanimously oblige ourselves to unite associate and stand by each other in revenging the same upon his Enemyes and their adherents and in supporting and defending the

Succession of the Crown according to an Act made in the first year of the reign of King William & Queen Mary, intituled An Act declaring the rights and liberties of the Subject and settling the succession of the Crowne

Newyorke the 3^d of Novemb^r 1696

BEN FLETCHER
fredryck flypse
S. V. Cortlandt

N Bayard
G Monvielle
Thomas Willett
David Jamison, cl. concilij,

Will^m Pinhorne
John Laurence
Caleb Heathcote
JAMES GRAHAM Speaker &c

His Excell did adjourn the Gen^l Assembly to the 25th of March next and desired Mr Speaker to adjourne the house accordingly.

THE FIFTH ASSEMBLY FIFTH SESSIONS

At A Council held at his Maties ffort in Newyorke the 25th day of March, 1697.

PRESENT—

His Excellency BENJAMIN FLETCHER, &c.,

FFRED. PHILIPS,
STEPH. CORTLANDT, } Esqrs.
NICH. BAYARD,

GAB. MONVIELLE,
WILLIAM PINHORNE, } Esqrs.

The Clerk of the Assembly from the Representatives waited upon his Excellency to acquaint him that they are mett according to adjournment and that the Representatives of Albany are not yet come

Adjourned till munday next

At A Council held at his Majestyes ffort in Newyorke the 29th day of March, 1697.

PRESENT —

His Excellency BENJAMIN FLETCHER, &c.,

FFRED. PHILIPS,
NICH. BAYARD, } Esqrs.
GAB. MONVIELLE,

WILLIAM PINHORNE, } Esqrs.
CALEB HEATHCOTE,

A Message was brought from the house of Representatives signifying that the house were mett & waited his Excell^s pleasure to recommend to them what may be for his Maties and the Countreys service

Ordered, the Cl of the Council do call the Speaker and the whole house to attend his Excell in Council forthwith being present

His Excellency said:

Mr Speaker and you Gentl Representatives

I am very glad to meet you here according to your adjournment the last Sessions I just now heard the members of Westchester County have absented and hope Mr Speaker the house will do that right to their own honour to inquire into the reason of their absence

I was called to Albany this Winter by a double obligac^on my duty to his Most sacred Majesty in discharge of that trust he has been graciously pleased to put into my hands and my affec^ons to his subjects of that City who by addresse desired my presence with them.

And indeed the intelligence of a desigue on that place by the French and their Indians (being flusht with their succe^se on Pemaquid in New England the last Summer) was a sufficient spurr to me.

I therefore resolved to make Albany my winter quarter looking upon it not only as a barrier to this Province but to other Colonies of his Majestyes Empire in America.

My passage met with some difficultyes by an early winter being twice drove a shoare by the ice and at last lockt up by it yet I made the journey in twelve days though with some extraordinary expense being necessitated to travell part of the way by land with a detachment of my own Company

Coll Schuyler who commands the militia in those parts and speaks the language was very active in procuring waggons and other assistance as also for bringing up field pieces small arms ammunition &c which could not be done gratis.

This journey had the effect I expected some families who designed to remove upon the report of my coming staid by which this garrison was much strengthened.

I observed in all the Inhabitants great Zeale for his Majesties service they were cheerfull in the performance of their duty watchfull and vigilant upon those guards committed to their care.

The inhabitants are somewhat straitened by quartering his Majesties Companies the houses are small fitted only for the conveniency of their own families if Barreaes were built (which would be no great charge) the inhabitants would be eased, soldiers better accommodated desertion easier prevented and the City better fortified.

And as you have hitherto showed great regard for his Majesties service in taking care aswell for recruiting as better subsisting his Majesties Companys so I hope you will continue in the good minde of easing the inhabitants by accomodating the soldiers.

Your last gratuity to them had that influence that not one man has deserted since.

I desire you'll appoint some of your house to look into those payments by which you'll see that so much money as could be gott upon the credit of that act has been applyed as it directs.

Those recruits from Connectieutt came very seasonably they had their levy money and those two officers that conducted them were paid one pound for each man as a reward for their pains and care which I hope gave them all satisfactiō.

The Winter seems the most proper season for the french to make an attack upon Albany all rivers lakes and marshes being so hard by the frost that cannon may be drawn &c Yet in Summer those parts suffer most by sculking parties of french and Indians so that I must recommend to you the care of recruiting his Majesties Companies at May next (when the terme of those enlisted by your act determines) otherwise it will be impossible to cover the out plantations those farmers will remove and leave the Countrey waste the consequence of that will be the desolation of the City which must then become a garrison.

The five Nations of Indians can have no reliefe there their friends being gone which they must justly conclude to be the fear of the french and those Indians will then purchase their safety and conveniency by joyning to our Enemies of Canida.

The care you have taken for payment of a party to advance upon the enemies borders and lodge there for sometime to discover their motion is of great use I hope you will continue that allowance and alsoe consider the advantage we found last summer by the payment of six pounds to any Christian or Indian for every head they bring in of those sculking murderers who spare neither women nor children. By that encouragement we had some of them cutt off in September last; those Gentlemen you have intrusted in the payment of the advance parties are without doubt the best qualified for this Being resident in Albany they should have a fund or credit to pay for every head brought in.

The punctuall payment for last summers service will spur many young men to be adventurers both Christians and Indians they'll hunt hard upon this encouragement I desire you'll continue life in so honest a designe for the preservatiō of his Majesties subjects in those parts.

I cannot be unconcerned at the hardship this Province lies under above others (by reason of this warr) you have agents now attending his Majesty he is our gracious King father of his people, he will hear.

A true and plain account of our circumstances will be represented and reliefe obtained from his Majesties pious care of all his subjects.

You have seen the Memoriall given in to their Excellencies the Lords Justices. I have since received letters and another paper given in by those Gentlemen to the Right Honorable the Commissioners for trade and Plantations I shall communicate them to your house.

I know those Gentlemen employed from the Province are faithfull and diligent I will not question their successe if we are not wanting to ourselves; they are at an extraordinary charge one of them is out of the road of that businesse which is his support; his fortune and his family both suffer by his absence. He was appointed by your selves. You'll consider what is proper to be done for the carrying on so good a worke which is so well begunn and when finished will lighten our present burden and secure us from the attempts of our Enemies.

Gentl I pray God direct you.

The Representatives being withdrawn the Council do unanimously returne thanks to his Excellency for his favourable speech.

Majr Howell and some other Representatives from the house bring a Message wherein the house returne thanks for his Excellencies care in Exposing his person to so many hardships & danger for the security of the frontiers this winter and for his favourable speech and desire a copy thereof.

Adjourned till morrow morning.

At A Council held at his Majesties ffort in Newyorke, the 30th of March, 1697.

PRESENT —

His Excellency BENJAMIN FLETCHER, &c.,

FFRED. PHILIPS,
NICH. BAYARD,
GAB. MONVIELLE, } Esqrs.

WILLIAM PINHORNE, } Esqrs.
CALEB HEATHCOTE, }

Mr Stillwell and Mr Suebringh bring a Message from the Assembly wherein they desire a Messenger at arms may be appointed to attend the house in order to their expediting the first thing recommended by his Excell in his speech.

His Excell by advice of the Council do appoint Mr Richard Stoaks to be Messenger at arms to the house of Representatives.

The peticon of Gyles Silvester was read and referred to the consideracōn of the house of Representatives.

Adjourned till morrow.

At A Council held at his Maties ffort in Newyorke, the first of Aprill, 1697.

PRESENT —

His Excellency BENJAMIN FLETCHER, &c.,

FFRED. PHILIPS,
NICH. BAYARD,
GAB. MONVIELLE, } Esqrs.

WILLIAM PINHORNE, } Esqrs.
JOHN LAURENCE, }

An agreement between Coll Thomas Dongan & Commissioners from Connecticutt concerning the Boundarys between this Province and that Colony was read with a letter thereupon Anno 1684 from Govern^r Treaté & the other Commissioners desiring the Inhabitants of Rye and Bedford to be obedient under the Government of this Province which were ordered to be copied and sent to the Representatives for their informacōn.

Ordered, that Proclamacōn issue forth agst Humphrey Vnderhill a Representative for Westchester County & inhabitant of Rye requiring him upon his perill to appear at the barr of the Representatives to answer his contempt according as the house have desired in an Adresse sent up.

Adjourned to the third of Aprill.

At A Council held at his Majesties ffort at Newyorke, the 3^d of Aprill, 1697.

PRESENT —

His Excellency BENJAMIN FLETCHER, &c.,

FFRED. PHILIPS,
STEPH. CORTLANDT, } Esqrs.
NICH. BAYARD, }

GAB. MONVIELLE, } Esqrs.
WILL^m PINHORNE, }

The peticōn of William Merritt and others being read It appearing that of the money which was due from the Sherriſs of Nassaw assigned for the payment of the peticōners there is in the hands of the Receiver Generall and the rest accounted for in great part by the Sheriſs since the first audite Anno 1684.

It is therefore *Ordered*, the peticōner William Merritt have a warrant upon the Receiver Gen^l for paym^t of what is in his hands to William Merritt for himselfe and others use in sd account and that they apply to the Assembly to provide a fund for the paym^t of the remainder.

The Im holders peticōn read & are desired to give in their particular demands.

Adjourned to the 9th of Aprill.

At A Council held at his Maties ffort in Newyorke, the 9th of Aprill, 1697.

PRESENT —

His Excellency BENJAMIN FLETCHER, &c.,

NICH. BAYARD,
WILLIAM SMITH,
THOMAS WILLETT, } Esqrs.

WILLIAM PINHORNE, }
CALEB HEATHCOTE, } Esqrs.

Ordered, the Clerk of the Council waite upon the house to know if anything be ready to offer this forenoone who brought answer—nothing
Adjourned till morrow morning

At A Council held at his Maties ffort in Newyorke the 10th of Aprill, 1697.

PRESENT —

His Excellency BENJAMIN FLETCHER, &c.,

STEPH. CORTLANDT, }
NICH. BAYARD, } Esqrs.
WILLIAM SMITH, }

THOMAS WILLETT, }
WILLIAM PINHORNE, } Esqrs.
CALEB HEATHCOTE, }

Ordered, the Bill for raising £1500 passed by the Representatives be read a first time.
Being read it was debated whether there should be a conference had upon the uses and disposition of the money therein raised or that his Excell send for the Speaker and whole house to signify his opinion to them
Adjourned to the 12th of Aprill.

At A Council held at his Majestyes ffort in Newyorke the 12th of Aprill, 1697.

PRESENT —

His Excellency BENJAMIN FLETCHER, &c.,

STEPH. CORTLANDT, }
NICH. BAYARD, } Esqrs.
GAB. MONVIELLE, }

WILL^m SMITH, }
WILL^m PINHORNE, } Esqrs.
CALEB HEATHCOTE, }

It is the opinion of the board that his Excell offer his own opinion to the Speaker and the whole house

Ordered, the Clerke of the Council do desire the Speaker and whole house to attend his Excell forthwith who being present

His Excellency said:

Mr Speaker and you Gentlemen Representatives,

I sent for you to have a right understanding of the Bill whereby you raise £1500 for your own security the sume would answer the service for that time if rightly appropriated but first consideracōn ought to be had that the Companys on the fronteers are to be recruited the first of May next the first payment of this money is the 29th of September and no clause in the bill for interest so that levy money cannot be paid in hand and consequently none will inlist besides the 4^d a day is cutt off which is so great a discouragement that no new men will enter nor the old men be kept from desertion as I told you that kept our men together none had deserted when they found it paid, so the taking it off will make them runn You all know the Kings pay does no more than feed them, 2^d sterling is stopt in England to answer cloathing

You take no notice of my Company who by detachments have rolld upon duty in the fronteers part of them were with me all this winter and a detachment of them have been twice on board the Richmond frigott to strengthen her in her cruising and prevent the pressing of yo^r seamen but I wave that

The sume of £791. 4^s. is an extravagant and unnecessary charge being to keep Indians at 18^d a day and Christians at 3^s a day in constant pay for six months as scouts, the companys being completed it will be better performed for £200 for encouragement of such as march upon that service and only paid for such dayes as they are upon that duty which is directed by my instructiōns to the commanding officer in that garrison a copy of which is left in the hands of the Mayor It is very necessary a sume of money be lodged at Albany to pay them punctually as they come in from their marches & do executiōn upon the enemy

The money you so generously give will answer all this that I proposed to you, the interest, levy money, groat a day for 300 men and scouts for the time, if it were not so circumscribed in

this Bill; I have been at Albany long enough to judge what methods are proper for the security of that place and will at the hazard of my life undertake the defence of it if the Assembly please to answer what I laid before them at the opening of this Sessions and the same granted will answer what I proposed therefore I desire you will go together and consider of it

I pray God direct you

The Council do approve what his Excellency was pleased to offer to the Assembly

Adjourned till morrow morning

At A Council held at his Majesties Court in Newyorke the 13th day of Aprill, 1697.

PRESENT —

His Excellency BENJAMIN FLETCHER, &c.,

STEPHEN CORTLANDT, }
NICH. BAYARD, } Esqrs.
GAB. MONVIELLE, }

WILL. SMITH, }
WILL. PINHORNE, } Esqrs.
CALEB HEATHCOTE, }

Ordered, that Coll William Smith & Coll Caleb Heathcote doe acquaint the house of Representatives that his Excellency is desirous to know if they have considered what he did offer to them yesterday and to help their memory has sent them a copy in writing As also a letter from the Sheriffe of Westchester County concerning the defection of the Towns of Rye and Bedford.

Adjourned till morrow morning.

At A Council held at his Maties Court in Newyorke, the 14th of Aprill, 1697.

PRESENT —

His Excellency BENJAMIN FLETCHER, &c.,

FRED PHILIPS, }
STEPH. CORTLANDT, } Esqrs.
NICH. BAYARD, }

WILLIAM SMITH, }
WILLIAM PINHORNE, } Esqrs.
CALEB HEATHCOTE, }

His Excellency having made a reference upon a Message brought to him from the house (wherein they assert their opinion that the bill passe without alteration further than that of mentioning interest for levy money) to Coll Cortlandt, Coll Bayard, Coll Smith, Judge Pinhorne and Coll Heathcote

In obedience thereunto they do report that the Bill ought not to have his Excellencys assent without the alteration of the uses and application of the money and that a conference be desired upon the said message.

Ordered, the same Gentlemen be a Committee of Council to conferr with a Committee of the Representatives upon that resolution at the house of Coll Cortlandt at tenn a clock this morning and that Coll Bayard do go to the house to desire a Committee to be appointed for that Conference accordingly.

Adjourned till morrow morning.

At the Meeting of the Committees at the house of Coll Cortlandt tenn a clock the 14th of Aprill, 1697.

The Committee of the Council Coll William Smith President elected for this time did offer to the Committee of the Representatives their opinion in these words.

Gentlemen

Vpon a resolve sent from your house to his Excellency and Council in answer to his Excellencys speech to you on munday the 12th instant relating to the bill before us this Conference is desired You have thereby given 1500^l for this summer to be employed in defence of the frontiers and the same rightly applyed we hope might answer that end but the use and application of it as expressed and directed by the sd bill is the matter We are now to reason with you; the first part thereof to wit the 708^l given for the filling and supporting the Companies at Albany we conceive will not extend to answer that end and the latter 792^l we suppose is more than necessary for the use of in your bill expressed We must observe to you that his Maties three Companies on the frontiers have bin by his Excellency interest and Our Princes great clemency and Royall care sent over heither with extraordinary charge and hazard to ease this Province from detachments which you may well remember was before they came the insupportable greivance of it and must for that reason deserve our outmost care to support and keep them full by giving them such encouragement as may hinder their desertion; the good effects of your giving

them 4^d aday for those twelve months past is very visible since, not one hath deserted since some part of that money has been paid them.

We are sure you are sensible that his Majesty pay from England only gives them victualle and cloaths once in 18 months the latter of which by reason of the warr and danger of the seas are very uncertainly sent Nor can any man that is listed but for six months promise himself any great benefite by them so that if you take from them what you have lately allowed them it will be extream difficult to levy the men designed by said bill nor can we reasonably expect but that they will desert us they did before that allowance was made them, which much better never had been than not now to continue it.

The next thing we must observe to you is that Wee are of opinion that between 2 and 300.£ of the £792 might be sufficient encouragement for scouts to range the woods and discover and obstruct those small skulking parties who some times come from Canida and do mischief to our farmers nor do we think it reasonable that any certaine or constant pay should be given those that are employed in that service and that they may have the same allowance for Scalps they had the last year that insisting on a certaine number of Indians for that service constantly to attend We believe impossible and impracticable And to allow them better wages than his Majesties Companies as it is highly unreasonable so it will infinitely discourage the men and will be of dangerous consequence as to the Indians themselves who will thereafter give us no kinde of assistance but what will be extravagantly paid for and the surplusage of this sum added to the other gives 100 men £3 each levy money and will neer give the companies 4^d a day for it seems very unreasonable to apply soe much money for out guards or scouts and to starve and neglect the maine body and strength of our forces who at all times cover and give security to all our frontiers and will appear as unreasonable as it is unjust to suppose his Majesties Capitaine Generall should not be the best judge of our defence which is by his Majesty committed to his conduct and of whose unwearied care and prudent conduct We of this Province have had so many and late signall demonstracōs; therefore Gentlemen lett reason take place and have its weight with you let no private or particular mans interest or inclination make you vary from the rules of prudence but as we are all concerned for the peace and preservacōn of this Province so pray let us omit nothing that may contribute to soe good an end.

To this some members of the Committe of the house of Representatives made answer :

That as to the 708£ for levying 100 men and for encouragement of the Companies they had in their house maturely considered it and were of opinion that said sume was sufficient for that service that they thought that having given them cloaths for this winter and the 4^d *quid* diem being paid them the first of May with what will remain besides the levy money of that sume would be sufficient encouragement to the Companies untill their next meeting.

That they were of opinion the 4th *quid* day ought not to be continued that the £792 for scouts was absolutely necessary to be employed for said service but that the choice of the men and the manner of rewarding their services was left to his Excellency the Capitaine Generall if a constant pay was not thought necessary And that the reasons we had offered them should be duly considered.

At a Council held at his Majesties ffort in Newyorke the 15th of Aprill, 1697.

PRESENT —

His Excellency BENJAMIN FLETCHER, &c.,

STEPHEN CORTLANDT, }
NICH. BAYARD, } Esqrs.
GAB. MONVIELLE, }

WILLIAM SMITH, }
WILLIAM PINHORNE, } Esqrs.

An Adresse from the house of Representatives concerning the Inhabitants of the Towns of Rye and Bedford was read and

Ordered, a Proclamacōn be drawn up requiring them to returne to their obedience with promise of pardon as the Assembly doe desire

His Excellency the Governour and Council do assent unto the Bill for the raising £1500 with this Amendment, that instead of that paragraph containing the use of the 791£ 4^s, be inserted

And the sume of £791. 4^s to be employed for encouraging of thirty-six men to be scouts and for the ranging of the woods and discovering the mocōn of the Enemy and the remainder over and above what shall answer that service to be distributed amongst the said Companies for their better encouragement from the first day of May next to the first day of November then next following and to answer the interest of ten *quid* cent for the advancing of the sume wanted to levy said recruits and to answer the uses as they grow And that the money be made payable at two payments the moiety or halfe part thereof at or before the first day of June next ensuing And the remainder at or before the 29th day of September next ensuing

Adjourned till morrow morning

At a Council held at his Matyes ffort in Newyorke the 16th day of Aprill, 1697.

PRESENT —

His Excellency BENJAMIN FLETCHER, &c.,

FFRED. PHILIPS,
STEPH. CORTLANDT, } Esqrs.
NICH. BAYARD,

GAB. MONVIELLE, }
WILL. PINHORNE, } Esqrs.

Ordered, the Bill to Enable the City and County of Albany be read a first second and third time

His Excell the Governour and Council do assent unto the Bill to Enable the City and County of Albany &c with these Amendments: that it be of force for one year and no longer that the May^r and Justices do give an account of the money raised by the sd act to his Excellency the Governour and Council

Ordered, L^t Coll Gab Monviele do cary down these two Bills with amendments for the consent of the house

Adjourned till morrow morning

At a Council held at his Maties ffort in Newyorke the 17th day of Aprill, 1697.

PRESENT —

His Excellency BENJAMIN FLETCHER, &c.,

FFRED. PHILIPS,
NICH. BAYARD, } Esqrs.
WILLIAM SMITH,

STEPH. CORTLANDT, }
WILL^m PINHORNE, } Esqrs.

His Excellency did communicate an Adresse from the house delivered to him last evening and read wherein they reject any Amendment proposed by his Excell and Council and make some new proposition Together with an Answer thereunto which is drawn up in writeing in these words.

Gentlemen

In answer to Yo^r addresse read unto me last night I have told you before that the sume which you so generously gave in your Bill would answer the end which I did propose and the reasons why I could not passe it. If your Bill had been so framed as to answer my proposeall in the disposicō of the money I did likewise undertake for the s-curity of the fronteers with the hazard of my life *His Sacred Majesty* did see cause to intrust me with the care of this Province and I think I have been long enough here to know what is proper for the defence of it. I do not call in ques ion your good intentions to enable me to secure the fronteers if after all your debates and expense of time you see no cause to alter or change your thoughts as to the uses in that Bill I doe not see cause to passe it in the manner therein expressed

And therefore I cho use rather to accept of Yo^r present propo ition although I perceive therein that allowing 4^d a day to 300 men for one year there is no provision for levy money which must be had the first of May next nor any mention of the time of payment which I would have as soon as may be and rather at three payments than two that it may the better answer the service.

I shall endeavour to make it go as farr as it can and assure you it sha'l be app'lyed to no other use or intent than the service you propose. If the lessening of the 4^d a day which you have formerly enabled me to give (which must necessarily follow when men cannot be had without levy money) have any ill effect to the discouragem^t of the men I hope you will be my witnesses that I have endeavoured it and shall still endeavour it.

Gent I return you thanks for the sume you have proposed to give and pray that you may make dispatch for the time draws neere when the last recruits will be discharged.

The Council do approve of this answer and ordered William Pinhorne Esqr Do deliver this answer first reading the same to the house of Representatives.

A vote was brought from the house that they would not proceed untill the Bill was rejected.

Ordered, the Bill for raising 1500.£ be rejected & that the Cl of the Council do Signify the same to the Representatives & cary it down to them.

Adjourned to the 20th of Aprill.

At A Council held at his Maties ffort in Newyorke, the 20th of Aprill, 1697.

PRESENT —

His Excellency BENJAMIN FLETCHER, &c.,

STEPHEN CORTLANDT, }
NICH. BAYARD, } Esqrs.

WILLIAM SMITH, }
WILLIAM PINHORNE, } Esqrs.

A Bill was brought in passed the house of Representatives for the raising £2300 Whereupon his Excell did immediatly call the Council.

The Bill for raising £2300 ordered to be read a first 2^d and 3^d time.

His Excellency the Governour and Council do assent unto the Bill for raising £2300, being three times read.

His Excellency the Governour and Council do assent unto the Bill to Enable the City and County of Albany, being three times read with this amendment: that the Mayor & Aldermen do render an account to the Govern^r and Council what the amount is of that revenue and how it is disposed of.

Ordered, L^t Coll Monvielle do cary down the Bill & amendment and recommend to the house to consider the Act Establishing Courts of Judicature will shortly expire by its limitation And of the Agency.

Ordered, the Cl of the Council do acquaint the house that the 2300£ Bill is passed in Council.

Adjourned till morrow morning.

At A Council held at his Maties ffort in Newyorke, the 21th of Aprill, 1697.

PRESENT —

His Excellency BENJAMIN FLETCHER, &c.,

STEPH. CORTLANDT, }
NICH. BAYARD, } Esqrs.
GAB. MONVIELLE, }

WILLIAM PINHORNE, }
WILL^m SMITH, } Esqrs.

A Bill passed the house for encouraging Collectors of the taxes was read a first 2^d and 3^d time, and approved.

The Bill to Enable the City & County of Albany &c in regard of the civill curtesys his Excellency did receive there last winter is passed without amendment.

His Excellency the Governour and Council taking to consideracōn the votes of the house yesterday by which it appears they are proceeding upon the computacōn of a surplusage of former taxes appropriated to certaine uses Have ordered Coll Cortlandt & Coll Bayard do acquaint the house with the accounts and papers and the state of these taxes & arrearages and to acquaint them that His Excell & Council have passed the Bill for encouraging Collectors & Albany Bill.

Coll Cortlandt and Coll Bayard did report that they had shown the accounts and vouchers of the late taxes and the disposicōn of the levy money and have endeavoured the satisfaccōn of the Assembly Who except against the groat a day pd for two soldiers that were absent upon furlougs and another taken prisoner into Canida to the Captains the 4^d a day to the officers servants according to the usuall allowance notwithstanding by the Act of Assembly the money is left to his Excells disposall for encouragement of the Companyes And claim a right of altering the use of the surplusage for what men are wanting of the recruits.

Adjourned till Afternoone.

Afternoone.

PRESENT —

His Excellency BENJAMIN FLETCHER, &c.,

FFRED. PHILIPS, }
STEPH. CORTLANDT, } Esqrs.
NICH. BAYARD, }

WILLIAM SMITH, }
WILLIAM PINHORNE, } Esqrs.

A Bill for continuing the Act Establishing Courts of Judicature was read a first 2^d and 3^d time.

His Excell the Governour and Council do assent unto the Bill for continuing the Act Establishing Courts of Judicature being three times read.

Ordered, the Clerke of the Council do acquaint the house that the Bill continuing the Act Establishing Courts of Judicature is passed in Council and desire to know if there is any thing to be offered this evening.

Who returned answer there is nothing.

William Merret Esqr brought into Council the answer of the house upon the petition of him & others which was read.

His Excell desired the opinion of the Council as to the adjournment and prorogation of Assembly.

His Excell the Governour & Council having under consideration the opinion of the house of Representatives concerning the debts of the late Sheriffs of Nassau & the petition of Mr Merret & others have formerly ordered the payment of what money is in the hands of the Receiver General since the reign of his present Majesty to William Merret Esqr for the use of the sd creditors contained in the audite And do now order a warrant issue to the Attorney General directing him to prosecute at Law the said Sheriffs for what debt is due to them on that account and that he have all the papers relating thereunto delivered him for that purpose.

Ordered, Mr Monsey Deputy Receiver do give account how much money the sd Sheriffs that were indebted upon an audite anno 1684 have brought in and paid of sd debts and how much is paid out again and to whom.

Adjourned till morrow morning

At A Council held at his Majesties Court in Newyorke, the 22th of Aprill, 1697.

PRESENT —

His Excellency BENJAMIN FLETCHER, &c.,

FRED. PHILIPS,
STEPH. CORTLANDT, } Esqrs.
WILLIAM SMITH,

WILLIAM PINHORN, } Esqrs.
JOHN LAWRENCE, }

His Excellency hath the concurrence of the Council to adjourn the Assembly to the 21th of September next.

Ordered, the Cl of the Council do waite upon the house to know if they have any further businesse to offer, who brought answer that they waited his Excellencys pleasure expecting to be dismissed.

Ordered, the Clerke of the Council desire Mr Speaker and the whole house to waite upon his Excell in Council Chamber forthwith in order to attend the publication of the Laws if it might not interrupt them in businesse.

Mr Speaker and the Assembly being present His Excellency said :

Mr Speaker and you Gentlemen Representatives :

Finding that you were upon no businesse I sent for you to accompany me to the publication of the Laws We have made in the instance as has been usuall.

There has been a great deal of time spent in needlesse debates the money which you first gave would have answered all that I did propose and what is done might have been finished in a day or two it is now neere a month I am glad you are come to a conclusion at last And that those Gentlemen Coll Cortlandt and Coll Bayard have given you satisfaccion as to the accounts and vouchers it is no good signe of an honest man to beleive all others to be knaves and distrust every body. As I have heitherto so shall the money you have given be applied to the uses for which you gave it and husbanded to the best advantage.

I would have adjourned the Assembly for a twelvemonth according to the opinion of some of yourselves but having in my thoughts the Agent or Agents You have appointed an agent and some care must be taken of him; he has a family here and some of you know the charge and expense there is in London; care must be taken to supply him with what is necessary I am well assured of both their endeavours and diligence for the service of this Province and if Mr Nicoll can see any prospect of effecting anything either by bringing our neighbours under the same duty with us as to the warr and trade or procuring some of those things which is sett forth in the second memoriall he will tary to sollicite and bring it to passe in which case care must be taken to furnish him with money which I expect to know before next fall and therefore I adjourne to the 21th of September next; if otherwise care must be taken to furnish him with money to bring him home and if there is no occasion for your meeting then I shall adjourn or prorogue from that time till the spring of the year. Mr Speaker I desire you to adjourne the house accordingly.

[New York Col. MSS. XLII., 124.]

BY HIS EXCELLENCY

Collonel *Benjamin Fletcher* Captain General and Governour in Chief of his Majesties Province of
New York, &c.

A PROCLAMATION

THESE are to Publish and Declare to all whom it may Concern, That by and with the Advice and Consent of his Majesties Council for this Province, I have prorogued the Assembly to the Twenty Fifth Day of March next ensuing. And the Assembly of this Province is hereby PROROGUED accordingly.

Given at Fort William Henry in Council the 21th day of October, in the Nineth Year of the Reign of our Sovereign Lord WILLIAM the Third, by the Grace of God King of England, Scotland, France and Ireland, Defender of the Faith, &c. Annoq; Domini 1697.

BEN. FLETCHER.

God save the KING.



[New York Col. MSS., XLII., 1.]

BY HIS EXCELLENCY

Richard Earl of Bellomont, Captain Generall and Governour in Chief of His Majesties Province of New York, &c.

A PROCLAMATION

WHEREAS I have thought it fit, for His Majesties Service, That the present Assembly of this Province of New-York, be Dissolved, and that a New One be forth-with Called, I do therefore Declare, That the present Assembly of this Province is DISSOLVED, and it is hereby DISSOLVED accordingly.

Given at New-York the Second Day of April, 1698. and in the Tenth Year of the Reign of our Sovereign Lord, WILLIAM the Third, by the Grace of God, of England, Scotland, France and Ireland, King. Defender of the Faith, &c.

BELLOMONT.

God save the KING.

SIXTH ASSEMBLY FIRST SESSIONS

At A Council held at his Maties ffort in Newyorke the 18th of May 98.

PRESENT—

His Excellency RICH^d Earl of BELLOMONT.

FFRED. PHILIPS,
STEPH. CORTLANDT, } Esqrs.
NICH. BAYARD,
GAB. MONVIELLE, }

WILL. SMITH,
CHID. BROOKE, } Esqrs.
WILL. PINHORNE,
JOHN LAURENCE, }

His Excellency did send the messenger to see if the Assembly were mett or the major part of them.

Adjourned till morrow morning.

May 19th. Adjourned till 3 a clock, afternoon.

At A Council held at Newyork May the 19th, 1698. Afternoone 3 a clock.

PRESENT—

His Excellency RICH^d Earl of BELLOMONT.

FFRED. PHILIPS,
STEPH. CORTLANDT, } Esqrs.
NICH. BAYARD,
GAB. MONVIELLE, }

WILLIAM SMITH,
CHID. BROOKE. } Esqrs.
WILLIAM PINHORNE,
JOHN LAURENCE, }

The Assembly, Mr PHILIP FRENCH Speaker, being present, His Excell said—

Gentlemen,

My voyage heither from England was very tedious and attended with great hardships, but since my being among you I have endeavoured to redeem that losse of time by applying my selfe diligently to the publick business in duty to his Majesty and that I might be the better enabled to serve you.

I cannot but observe to you what a legacy my predecessour has left me and what difficultys to struggle with a divided people, an empty Treasury, a few miserable naked halfe starv'd soldiers not halfe the number the King allowed pay for, the fortificacōns and even the Governours house very much out of repair and, in a word, Gentlemen, the whole government out of frame; to you therefore I recommend the consideracōn of these disorders as best becoming your prudence to apply the proper remedys and you may be sure of my hearty concurrence in every thing that will conduce to the extinguishing those heats and animositys among you which I fear have been of late years industriously cherisht and fomented and to the curing all the other disorders and mischeifs among you.

It has been represented to the government in England that this Province hath been a noted receptacle of Pyrates and the trade of it under no restriccōn but the Acts of Trade violated by the neglect and connivance of those whose duty it was to have prevented it. I hope, Gentlemen, you will put all the discountenance imaginable on that flagitious crime of pyracys which is not only the worst sort of robbery but is for the most part attended with the horrid sin of murder, which is a great aggravation of that odious practice detested by all the civil nations of the world. 'Tis not only injurious to the honour of his Majesty and the English nation, but also highly prejudicial to the trade of England and particularly to the East India Company, and the Gentlemen of the Council here present will bear me witness that my orders from his Majesty are very strict for inquiring into and effectually preventing for the future that lawless and vile trade of Piracy within my government.

As I have declared myself against piracy and all unlawfull trade, so I must assure you I will give you all the encouragement I can possibly in carying on a Lawfull trade and every thing else that will make you happy & flourishing.

Mr Speaker and you Gentlemen Representatives.

I hope you will take into your consideracōn that the revenue is near expiring and that you will provide for the support of the government for the time to come, and therein give me leave to put you in mind that your duty and respect to his Majesty should be an argument to you

not to leave the Government destitute. It would be hard if I that come among you with an honest mind and a resolution to be just to your interest, should meet with greater difficulties in the discharging of his Majesties service than those that have gone before me. I will take care there shall be no misapplicacōn of the publick money; I will pocket none of it my selfe nor shall there be any imbezilment by others but exact accounts shall be given you when and as often as you shall require.

I have ordered all the accounts to be laid before you that you may see the state of the debts of the government and take such course for the discharge of them as you shall think fit. I wish too you would consider how to restore credit to the government which I understand is now very low, if not wholly lost.

I have ordered the Engineer to go and visit the fronteers and to report to me the state and condicōn he finds the fortificacōns in; which report I intend for you assoon as it comes to my hands.

Gentlemen, I must remind you of the necessity there is of finding out some expedient to reconcile the parties among you. I must own to you I set my heart so much on it that I shall think it the glory of my government to bring so good a work to pass. I desire therefore you will think of the proper methods to effect an intire reconciliacōn among you; to be of one faith and one mind is not only an excellent Scripture rule, but also a good maxim in government. Union amongst a people is the bond of peace and of strength too.

You cannot but know what abuses have been formerly in elections of members to serve in the Assembly which tends much to the subversion of your libertys. I do therefore recommend to you the making a law to provide against it, and that you will think of such other law as you will stand in need of to secure to this Province a lasting happiness, to which I promise you my concurrence.

I shall conclude, Gentlemen, with recommending that which is chiefly incumbent upon us all; an unmovable duty and allegiance to his Majestie who by his valour has rescued us from the two greatest plagues that ever infested the world — popery and slavery; and by that and his wise and temperate government has secur'd us the free exercise of our holy protestant religion, the enjoyments of our libertyes and estates, and as a further instance and illustracōn of the glory of his reign, his Maty. has with repeated hazards of his precious life, procur'd for us and all Christendom a glorious Peace; for which, Gentlemen, let us address his Majestie that he will be graciously pleased to accept of the tender of our most humble duty and thanks.

The Gentlemen of the Council did return their thanks to his Excellency for his favourable speech, and desire their consent to be entered thereunto.

Adjourned till morrow morning.

May 20th Adjourned till 3 a clock, afternoon.

At A Council held at his Maties ffort in Newyork, the 20th of May, 1698. Afternoon.

PRESENT —

His Excellency RICH^d Earl of BELLOMONT,

FRED. PHILIPS,	} Esqrs.	GAB. MONVIELLE,	} Esqrs.
STEPH. CORTLANDT,		WILLIAM SMITH,	
NICH. BAYARD,		WILLIAM PINHORNE,	

The Spenker & whole house did waite upon his Excellency in Council, & the Speaker read as followeth:

My Lord,

I cannot but reflect with my selfe when I consider of the trust my Country has reposed in me and especially the circumstances of my years and my litle acquaintance with Assemblies; but my loyalty to my King and good affeccōn to my countrey will lead me only to seek the interest of all, and as yo^r Lop. has laid a foundacōn of our future happiness by recommending to us the burying of these heats which are grown to so great a height among us that the continuance of them must be the certain ruin of the Province and therefore I will on my part make it my study, in the house, to find out some expedient to bury them in oblivion, so that in the behalfe of all the good subjects of this Province I must become an humble suitor to yo^r Lop. that all endeavours may be used to suppress those that still continue industriously to foment them; and as our future tranquillity chiefly consists in our rendring intire obedience unto that good and wholsom advice yo^r Lop. has given to us, so we find our selves obliged with the greatest of thankfulness most dutifully to acknowledg it, and we find nothing else in the way to interrupt the loyall affeccōn we bear to his Majestie but these unhappy heats which, so soon as removed, will lead us with one heart & mind to support the dignity of his Majesties Government under yo^r Excell^t administracōn, which we pray God and his Majestie so great a happiness may continue long with us.

Then the Speaker did addresse his Excellency *in hæc verba*, ss.

I do my Lord in behalf of the house of Representatives demand their rights and priviledges.

Impris — that none of the Assembly nor their servants be arrested or molested during the sessions ;

That they may have a freedom of accesse to yo^r Excell^t person when occacōn presents ;

That they may have liberty of speech and a favourable construccōn upon all debates that arise among them ;

And that this their demand may be approved by his Excell & Council and accordingly entered in the Council book.

By order of the house

PHI FRENCH, Speaker.

His Excellency did thank them for their concurrence with what he had recommended and promised to protect them in all their just rights & priviledges, And ordered it to be entered accordingly.

Adjourned till the 23th of May, 1698.

At A Council held at his Maties ffort in Newyork, May the 23th, 1698.

PRESENT—

His Excellency RICH^d Earl of BELLOMONT,

STEPH. CORTLANDT, }
NICH. BAYARD, } Esqrs.
WILL. SMITH, }

GAB. MONVIELLE, }
CHID. BROOKE, } Esqrs.
WILL^m PINHORNE, }

A message was read brought up from the house by Mr Beeckman &c desiring a Committe of the Council may be appointed to joyn a Committe of their house in the drawing up an Adresse to his Majestie.

Ordered, Coll Steph Cortlandt & Coll William Smith be a Committe of this board to joyn the Committe of Assembly for that purpose and that they take the Attorney Generall to their assistance.

Adjourned till morrow morning.

May 24th. Adjourned to the first of June, 1698.

At A Council held at Newyork, the first of June, 1698.

PRESENT—

His Excellency RICH^d Earl of BELLOMONT,

FFRED PHILIPS, }
STEPH. CORTLANDT, } Esqrs.
NICH. BAYARD, }
GAB. MONVIELLE, }

WILL^m SMITH, }
CHID. BROOKE, } Esqrs.
JOHN LAURENCE, }

The Adresse to his Majestie enrolled on parchment was read in the presence of the Council and Assembly, and being approved, first his Excellency did sign, the Leiv^t Governour the Council and Assembly *in hæc verba* :

To the KING's Most Excellent MAJESTY.

The humble Address of RICHARD Earl of BELLOMONT, your Majesties Governour, the Leiv^t Governour, Council & Representatives of yo^r people in yo^r Majesties Province of Newyork, convened in Generall Assembly.

May it please Your MAJESTIE.

We your Majesties most dutifull and loyall subjects convened in Generall Assembly, do esteem it our cheifest duty to lay at your royall feet our humble thanks and hearty congratulations for yo^r Majesties safe returne unto Yo^r kingdom of England after that Yo^r Majestie had exposed Yo^r Royall person to many great hazards for the subduing the enemy of Christendom, which by your auspicious conduct and the glorious success of yo^r arms, hath been effected to such a degree as to produce the most honourable & most advantageous peace that ever happen'd to the Christian nations in Europe.

And tho' we Yo^r Majesties most dutifull and loyall subjects are in one of the least Dominions Yo^r Majestie possesseth in Yo^r Empire in America, Yet we have more than a common share in the great satisfaccōn which all Yo^r Majesties Subjects expresse upon this joyfull occasion, we cannot but esteem our selves peculiarly happy in having so victorious a Prince as Yo^r Majestie who by yo^r unpareld valour have brought so great renown unto the English nation, even to an height exceeding the glory of any of yo^r Majesties Predecessours.

We must also with the greatest of thankfulness acknowledg yo^r Majestie to be the glorious and only instrument in delivering yo^r kingdoms from popery and arbitrary power to which they were so much expos'd in the late reign, and We are sensible that the security and safety of those kingdoms and yo^r Majesties Dominions depending thereon do cheifly consist in the long life and happy reign of Yo^r Majestie over us. We therefore most humbly beg yo^r Majesties gracious acceptance of these our congratulations & acknowledgm^t which are offered to Yo^r Majestie with the purest of dutifull affeccōn which calls us to give Yo^r Majestie assurance that under God We do acknowledg all these blessings we enjoy to be wholly owing to Your most Sacred Majestie; so that we shall only improve them to the increase of our duty and affection to Yo^r Majestie and incessantly make our prayers and supplicacōns to the King of Kings for Yo^r Majesties long life and prosperous and glorious reign over us.

was signed by the Governour, L^t Governour, Council & Assembly, the Attorney Generall and Clerk of the Council.

A Message from the house was read desiring the accounts of the addicōnall duty and taxes be laid before them.

Ordered, Coll. Cortlandt do prepare the accounts of the addicōnall duty and the Receiver Generall the accounts of the taxes to be laid before them forthwith.

Adjourned to the fourth of June.

4th June, 1698. Adjourned to the 7th June

7th June, 1698. Adjourned till morrow morning.

At a Council held at his Maties ffort in Newyorke the 8th of June, 1698.

PRESENT —

His Excellency RICH^d Earl of BELLOMONT,

FFRED. PHILIPS, }
NICH. BAYARD, } Esqrs.
WILL^m SMITH, }

GAB. MONVIELLE, }
JOHN LAURENCE, } Esqrs.

His Excellency did communicate a message from the house praying a Committe be appointed to joyn a Committe of Assembly for the drawing of a Bill for reconciling of partyes.

Ordered, Coll Smith, Coll Bayard and L^t Coll Monvielle be a Committe to joyn the Committe of Assembly in the drawing sd Bill, accordingly the Attor. Gen^l is ordered to be assistant in it

Coll Smith proposed the recommending to the Assembly the following matters to their consideracōn viz^t.

That the Act of establishing Courts of Judicature will expire by its own limitation in October next.

That the inferiour Courts of common pleas in the Countys as established are inconvenient by reason three Justices are appointed with one Judge in each county, three of which are a quorum & two of the four being sick or absent, the court cannot proceed, by which means justice has been often delayed.

And that drunkenness and debauchery cannot be suppressed by authority as it ought, for want of an explanation of the clause in the Act of the revenue relating excise & suppressing unlicensed tipling houses, all which is agreed to.

Ordered, Coll Smith do deliver these minutes, explain the clause recommended to the Assembly and appoint the time and place of the meeting of the Committees.

Adjourned till morrow morning.

At A Council held at his Maties ffort in Newyorke the 9th June, 1698.

PRESENT —

His Excellency RICH^d Earl of BELLOMONT,

FFRED. PHILIPS,

STEPH. CORTLANDT,

NICH. BAYARD,

} Esq^{rs}

GAB. MONVIELLE,

WILL^m SMITH,

JOHN LAURENCE,

} Esq^{rs}

The petición of six members of Assembly remonstrators who have left the house and their remonstrance read.

Ordered, a copy of their petición be got ready for the house, the consideracón of an answer is put of till morrow morning.

Adjourned till morrow morning.

At a Council held at his Maties ffort in Newyorke the 10th of June, 1698.

PRESENT —

His Excellency RICH^d Earl of BELLEMONT,

FFRED. PHILLIPS,

STEPH. CORTLANDT,

NICH. BAYARD,

} Esqrs.

GAB. MONVIELLE,

WILLIAM SMITH,

} Esqrs.

His Excell did order the Clerk of the Council to call Mr Speaker & the whole house.

Mr Speaker and the whole house being present his Excell did acquaint them of the petición of the 6 Remonstrators and ordered it to be read. Which done his Excell did advise them to moderacón and told them the opinion of himselfe and the whole Council that he cannot medle in that matter, the house alone being the sole judges of any difference arising amongst themselves, and advised them to accommodate matters speedily, that they may go on unanimously in the service of the King & the publick.

Adjourned till the 14th.

At A Council held at his Maties ffort in Newyorke June the 14th, 1698.

PRESENT —

His Excellency RICH^d Earl of BELLOMONT.

FFRED. PHILIPS,

NICH. BAYARD,

WILL^m SMITH,

} Esqrs.

GAB. MONVIELLE,

THOMAS WILLETT,

} Esqrs.

His Excellency did acquaint the Council that the heats and animositys in the Assembly were so great they did altogether obstruct the Kings service; that this matter is unpresidentall and no means can be found out effectuall to reconcile the difference and his Majesty having intrusted him with the prerogative of adjourning, proroguing & dissolving of Assemblys, he must now make use of that authority & did declare his purpose to dissolve the Assembly.

Ordered, to be read a protestation of the six remonstrators on behalfe of the Countys they represent against all laws that may be made by this Assembly.

The Cl of the Council was ordered to call Mr Speaker & the whole house being all present, His Excell said:

Gentlemen of the Assembly,

You have now sat a whole month without any interruption by me, and have done nothing either for the service of his Majestie or the good of yo^r Countrey, except the Addresse to his Matie for which I thank you. I am sorry yo^r carriage since hath been so contrary thereto that it is absolutely necessary for the Kings service and the safety and peace of the government that you should be dissolved. Your proceedings have bin so unwarrantable, wholly tending to strife & division, and indeed disloyal to his Majestie and his laws and destructive to the rights and libertys of the people, that I do think fit to DISSOLVE this present Assembly, and it is DISSOLVED accordingly.

[IN EXECUTIVE SESSION.]

19th January, 1698.

The Councell unanimously agreed that it was absolutely proper and reasonable that an Assembly should be called to meet on Thursday, the second of next March. And the Secretary was sent for before his Excellency and Councell, and ordered to issue writts immediately for calling an Assembly to meet and sitt on the said second day of March.

PROVINCE OF NEW YORK.

SECOND ASSEMBLY FIRST SESSIONS.

Minutes of Councell passed during the Sessions of the Assembly.

At A Councell held at ffort William Henry the second day of March, 1698.

PRESENT —

His Excellency RICHARD Earl of BELLOMONT, &c.,

Captain JOHN NANFAN, Lieutenant Governor.

STEPHEN CORTLANDT, }
ABRAHAM DEPEYSTER, } Esqrs.

SAMUELL STAATS, }
ROBERT WALTERS, } Esqrs.

The rest out of towne.

Gabriell Ludlow Mr Gabriell Ludlow took the oaths appointed by Act of parliament to be taken instead of the oaths of Allegiance and Supremacy, with the oath of Clerk of the Assembly of this province, and subscribed the Test and Association.

His Excellency ordered Mr Ludlow to acquaint the Gentlemen of the Assembly that his Lordship desired their attendance immediately and in the mean time acquainted the Council that in Consideration that there were but few of the members in Town it was his opinion they should be adjourned till this Day seavennight which the Councell approved of; and the said Assembly being present his Excellency adjourned them till Thursday the ninth Instant and they are hereby adjourned accordingly.

At a Councell held at ffort William Henry, the ninth day of March, 1698.

PRESENT —

His Excellency RICHARD Earle of BELLOMONT, &c.,

Captain JOHN NANFAN, Lieutenant Governor,

STEPHEN CORTLANDT, }
WILLIAM SMITH, } Esqrs.
ABRAHAM DEPEYSTER, }

SAMUELL STAATS, }
ROBERT WALTERS, } Esqrs.

His Excellency was pleased to Adjourne the Assembly till munday the thirteenth Instant and they are hereby adjourned accordingly.

At A Councell held at ffort W^m Henry, the Thirteenth day of March, 1698.

PRESENT —

His Excellency RICHARD Earle of BELLOMONT, &c.,

Captain JOHN NANFAN, Lieutenant Governor,

STEPHEN CORTLANDT, }
WILLIAM SMITH, } Esqrs.
ABRAHAM DEPEYSTER, }

ROBERT WALTERS, }
SAM^l STAATS, sick, } Esqrs.

The rest out of Towne.

His Excellency Adjourned the Assembly till to morrow morning Ten of the Clock many of the Representatives not being yet come to Town, and they are hereby adjourned accordingly.

At A Councell held at ffort William Henry, the ffourteenth March, 1698.

PRESENT— *His Excellency* RICHARD Earle of BELLOMONT, &c.,
Captain JOHN NANFAN, Lieutenant Governor,
STEPHEN CORTLANDT, } Esqrs. ABRAHAM DEPEYSTER, } Esqrs.
WILLIAM SMITH, } ROBERT WALTERS, }

His Excellency Adjourned the Assembly till to morrow morning ten of the clock, many of the Representatives not being yet come to Town, and they are hereby adjourned accordingly.

At a Councell held at ffort W^m Henry, the 15th of March, 1698.

PRESENT— *His Excellency* RICHARD Earle of BELLEMONT, &c.,
Captain JOHN NANFAN, Lieutenant Governor.
STEPHEN CORTLANDT, } Esqrs. SAMUELL STAATS, } Esqrs.
WILLIAM SMITH, } ROBERT WALTERS, }
ABRAHAM DEPEYSTER, }

His Excellency adjourned the Assembly till to morrow morning ten of the Clock, many of the Representatives not being as yet come to Town, and they are hereby adjourned accordingly.

At a Councell held at ffort W^m Henry, the 16th March, 1698.

PRESENT— *His Excellency* RICHARD Earle of BELLOMONT, &c.,
Captain JOHN NANFAN, Lieutenant Governor,
STEPHEN CORTLANDT, } Esqrs. SAMUEL STAATS, } Esqrs.
WILLIAM SMITH, } ROBERT WALTERS, }
ABRAHAM DEPEYSTER, }

His Excellency adjourned the Assembly till munday morning ten of the Clock, the Representatives not being all come to Town yet, and they are hereby adjourned accordingly.

At a Councell held at ffort W^m Henry this 20th March, 1698.

PRESENT— *His Excellency* RICHARD Earle of BELLOMONT, &c.,
STEPHEN CORTLANDT, } Esqrs. ABRAHAM DEPEYSTER, } Esqrs.
WILLIAM SMITH, } ROBERT WALTERS, }

His Excellency adjourned the Assembly till to morrow morning ten of the Clock, and they are hereby adjourned accordingly.

At a Councell held at ffort W^m Henry this 21th March, 1698.

PRESENT— *His Excellency* RICHARD Earle of BELLOMONT, &c.,
STEPHEN CORTLANDT, } Esqrs. ABRAHAM DEPEYSTER, } Esqrs.
WILLIAM SMITH, } ROBERT WALTERS, }
SAMUELL STAATS, Esqr., sick. The rest out of Town.

Coll^o William Smith and Coll^o Abraham Depeyster did return to this board that they had Administered the oathes, Test and Association to the Representatives of this province, there being ninete n in number then present.

His Excellency ordered the Clerk of the Councill to write on the Representatives Convened in Generall Assembly, and acquaint them that his Lordship was now in Councell and desired

that they would proceed to the Election of a Speaker and that when they had so done they would attend his Excellency and Councell at the Court, and present their Speaker.

The Assembly presented James Graham Esqr their Speaker, to his Excellency and desired his Excellencies approbation.

The Speaker made a modest Apology.

His Lordship Confirmed their choice.

Then the Speaker desired his Excellencies confirmation of their ancient Rights and priviledges first mentioning them *ore tenus* and then laying them in writing before this board, desiring that to avoyd mistakes they might be entred in the Councell book ; which was ordered to be entered accordingly and follow *in hæc verba* :

House of Representatives, Die Martis Ante Meridiem 21^o Martij.

Ordered, Mr Speaker upon his being approved by his Excellency in Councell, That he demand in the behalfe of this house : that they may have their former Rights and priviledges confirmed unto them.

Imprimis, that none of their members nor their servants may be arrested or molested during the Session ;

That they may have freedom of Accessee to your Excellencies person when occasion offers ;

That they may have liberty of speech and a favourable construction upon all the debates that may arise amongst them ;

That in all misunderstandings that may happen to arise between the Councell and this house upon any subject matter which shall be concluded by them, that then in such case a Committee of the Councell may be appointed to confer with a Committee of this house for the adjusting and Reconciling all such Differences and that these their Requests may be approved by his Excellency and Councell and entred in the Councell book accordingly.

By order of the house of Representatives.

JA : GRAHAM, Speaker.

His Excellency promised that he would protect them in all their just Rights and priviledges and ordered it to be entred accordingly. Then his Excellency said :

My Lords Speech. Gentlemen.

There had been no occasion for calling you at this time, if the last Assembly had answered the good ends I proposed to my selfe for the Kings service and that of the province. But having satt a whole month and done no businesse, I thought it adviseable to dissolve them ; and the rather, because there were great heats and divisions among them, which I found Impracticable for me to compose and put an end to.

You need not be told to what a degree, faction and sedition have taken root in this Town ; 'tis a thing so generally known. And there has been the utmost Industry used by some ill men to spread the Infection all over the province, and to alienate the affections of the people by false suggestions and notions of their Independance from the Crown of England, and that 'tis a violence and wrong done 'em that England should put a Limitation on their trade. How Extravagant and wild is this notion. Does not England putt a Restriction on its own trade in some cases ? And as for piracy, which some people are soe fond of here, 'tis held in such Abomination as not to be known or practis'd there. People must not be soe deceived ; this province is subject to the Crown of England, and it is its greatest glory and happiness that it is so. For by that meanes the people are entituled to the protection of the Crown, and are under the best Constitution of Laws, and that in fellowship with the best and bravest people in the world, the people of England ; and they must be obedient to English laws, 'tis their duty and Interest so to be. And the angry men of New-York must not Expect from me that Commivance at their ill practices that they were accustomed to some years before my coming to the Government : The oath of a Governor, the Laws of England and the Kings Instructions, which are made to square with the Laws are sacred tyes and obligations with me.

I have observed great marks of Irreligion and Immorality in this place, and I take it to proceed from a long habit of breaking the Laws, which has Introduced Licentious and Dissolute Living. And nothing can rectify and Reform our Lives and manners but Religion. Religion is of that admirable frame and temper, it inflames us with a true devotion to our great Maker, which is our most reasonable service. Then it fits us for all the ends of Civill Society, by uniting our minds, affections and interests, it makes us good men : And good men will of Course be good friends, good neighbours, good subjects, and good patriots, that is, Lovers of their Country and obedient to its Laws.

Now that I have stated to you the unhappy circumstances that we are in by the contrivance of ill men, I shall proceed to Recommend to your thoughts a few things which are necessary for the support and peace of the Government, and will be a manifestation of your Duty and Affection to the King.

I therefore propose to you, Gentlemen of the house of Representatives, the continuance of the present Revenue (which will otherwise shortly expire) for what number of years you shall think fit. I found the Government very considerably Indebted when I came to it, and it cannot be Expected that Debt should be much lessened in soe short a time as I have been here. I could wish you would put the Government on a clear foot by finding a way to discharge that debt.

The publick Accounts I have ordered to be prepared for you, with an estimate of the debts of the Government. I promise you I will be as good a husband of your money as 'tis possible for me to be: and when 'tis either mis-apply'd or mis-manag'd by my means, I shall not take it amiss if you put me in mind of my want of Care therein. To Induce you to the Continuance of the Revenue to the Crown, I cannot sett before your eyes a better example than that of the great and glorious people of England, who out of the sence of the Inestimable advantages they were Restored to by the King, freely and without the least murmuring, supported him in a long and expensive war, well knowing he bravely fought for the Liberties of all the Christian world, and that they had as great a share as any others in that Quarrell; wherein also his Majesty often ventured his Royall person with the meanest Souldier in his Armies. Beside, the King Considering this province as a Barrier between the french of Canada, and his other plantations and therefore most Exposed, was pleased to take a peculiar care of you, having been at great Expense this last warr, in paying for four hundred men and maintaining a man of war for your Defence and Constantly supplying you with stores of warr. These are such obligations as I hope you will not only remember in the manner I have now Recomendend, but also with your earnest prayers to God for his Majesties long life and prosperous Reign over you.

The next thing I Recomend to you, is the Reconciling of people and parties, which will be a glorious work, and will, I doubt not, be easily accomplish'd by your prudent care. You all know the mischiefs, both publick and private, that feuds and divisions bring on a people or nation. They cause an Interruption in Trade by discord they make in private families and freindships; and next to a Civill war, 'tis the most unhappy State and Condition a Countrey can be in. I will heartily joyn with you in such methods as shall be thought adviseable for the procurement of a thorow Reconciliation of parties. And that you may Induce others to be peaceably and Charitably minded, I earnestly Recomend to you, Gentlemen Representatives, that you manage your debates and proceedings in your house with that Calmness and Moderation that becomes the prudence of men that are under such a Trust from their Countrey. The present Conjunction requires it at your hands: The King will thank you, the world will applaud you for it; and God will bless and prosper you and your affaires.

I must acquaint you with the Circumstances of our five Nations of Indians, with whom I had a Conference this last Summer at Albany, and then fix't their freindship and fidelity to the Crown by extraordinary presents and kind usage; and they parted with me in all the good humour Imaginable. But I am lately advised they are grown very uneasy and dissatisfied at the french Governor of Canada's detaining some of their friends prisoners, notwithstanding the late Treaty of peace, which is a very unfaire practice in that Governor. You shall have all the memorialls and proceedings with our Indians layd before you, that you may advise me what measures to take for preserving them firm to the Interest of the Crown and this province, which is a thing of very great Consequence, and deserves as much as any thing whatsoever to be the subject of your thoughts and Determination.

I am ordered by the Kings Instructions to prepare and offer you two or three Bills for your passing, which will be for the service of the province. And such other Bills as you shall judge proper to offer me for securing your Liberties, and advancing your Trade, I promise you my Assent to their passing into Laws, provided they be not Repugnant to the Laws and Interest of England.

The Representatives withdrew out of the Councell Chamber.

Coll^o William Smith at the Request of the rest of the members of the Councell did Adresse himself to his Excellency in the words following:

My Lord,

I am desired by and do in behalf of the members of his Majesties Councell here present, acquaint your Excellency that with much satisfaction we have duly observed what your Excellency in the speech you have now made have been pleased to Recomend to the Representatives of this province, wherein your Excellency hath fully and cleerly with great prudence pressed what will best deserve their present Consideration and what we humbly conceive tends highly to the honour and Interest of his most sacred Majestie, and the great good and prosperity of this province, and as we do heartily Concurr with your Excellency therein, soe we do assure your Excellency of our chearfull readynesse soe to assist your Excellency that your good intentions may have their full effect, and doe humbly thank your Excellency for the great care and Affection your Excellency hath manifested to this province, and pray that what we have now sayd may be entred in the Councell Book.

His Lordship thank'd them for their Concurrence with what he had Recomendend to the Assembly.

Adjourned till to morrow morning.

At A Counsell held at ffort William Henry this Two and Twentieth day of March, 1698.

PRESENT —

His Excellency RICHARD Earle of BELLOMONT, &c.,
Captain JOHN NANFAN, Lieutenant Governour,

STEPHEN CORTLANDT, }
WILLIAM SMITH, } Esq^{rs}
ABRAHAM DEPEYSTER, }

SAMUELL STAATS, }
ROBERT WALTERS, } Esq^{rs}

The Petition of Richard floyd — Read and Referred to be Considered of till to morrow morning.

Adjourned till to morrow inorning.

At A Councell held at ffort William Henry this Three and Twentieth day of March, 1698.

PRESENT —

His Excellency RICHARD Earle of BELLOMONT, &c.,

STEPHEN CORTLANDT, }
WILLIAM SMITH, } Esq^{rs}
ABRAHAM DEPEYSTER, }

SAMUELL STAATS, }
ROBERT WALTERS, } Esq^{rs}

Upon Reading the Return made by the Justices who were directed by a precept from this house to seize a drift whale which came on shore at the Mannor of S^t Georges in the County of Suffolk on the Island Nassau and to put the same into the possession of the person there Impowered by his Excellency on his Majesties behalfe to have the Charge, care and Custody of all Drifts in that County to the Intent his Majesty and his Subjects may have legall right and Justice done them.

This house are unanimously of opinion that his Majesties right to all Drift Whales is unquestionable, where the Subject can make no just claim of having killed them, that for any private person to cutt up and carry away any Drift Whales soe come on shore not having himself killed the same, is a high Contempt of his Majesties authority and Derogatory of his Majesties Right. That it plainly appeares to this house that Richard floyd junior who hath been Complained of for cutting up and carrying away such a drift Whale, well knew who was Impowered by his Excellency the Governor to secure such drifts, and that it is notoriously known to all persons who goe on whaling on the beach where said whale came on shore, the person so Impowered had promised a sufficient Reward to any person who should give him or those Imployed by him notice of any such Drifts coming on shore; all which notwithstanding, it is apparent to this house that the said floyd in Contempt of his Majesties Royall Right and authority, in a private and Clandestine manner, Imployed severall persons to cutt up and Remove the said Whale before ever he had any order, power or direction even from the prtended owners, as is nntully alleadged in his petition to this house. That from the Acknowledgment of the said floyd and others sufficient Information this house are very sensible that by such and the like practices his Majesty hath been totally defrauded of severall Drift Whales cast on shore on this very beach without any wound, and to which no person could ever make claim, by the secret practices of ill Disposed persons who have (as now) entt up and removed sayd Drifts, Concealing the same from those Imployed on his Majesties behalfe to secure the same for his Majesties use, pretending they have killed the same, which is hard, if not Impossible, to prove, when the Whale is cutt in pieces and Removed.

For Remedy of which and the like undue practices for the future, this house are of opinion it is for his Majesties honour and Interest; that the matter of this Whale cutt up by floyd be further Inquired into, and that the Cheif Justice be required upon his Coming home where said whale stranded to Examine upon oath all such Witnesses as may be usefull in Discovering the trnth; how this matter hath been managed, and that he be directed and Impowered to Require any Sheriffe his Deputy or other civill officer or person by præcept under his hand and seale to sūmons all such persons to appeare before him and give testimony thereof who he shall have notice can give Testimony in that matter. And that all such persons who shall Refuse to appear, or appearing to Discover the truth upon their oaths, be sūmoned forthwith to appear before this house, and that a Return be made of his doings herein within ten days of the date hereof. ffor which service and in Regard of his long absence from his flamily in this City, attending his Majesties Service, at his Request, this house have thought fitt to Lycense the said Coll^o Smith to retire to his Mannor of S^t Georges for one week, and upon due Consideration of what hath been offered concerning the said Richard floyd, this house are of opinion, and it is hereby ordered that he be Comitted into the Custody of the Sergeant at Arms, and that the said floyds petition, and the whole of what hath passed in this house on that head be Referred and Recommended to the Attorney Generall to the end the said floyd may on his Majesties behalfe be further prosecuted as the Law will allow.

At a Councell held at ffort William Henry, this Thirtieth day of March, 1698.

PRESENT—

His Excellency RICHARD Earle of BELLOMONT, &c.,

Captain JOHN NANFAN, Lieutenant Governor,

STEPHEN CORTLANDT, }
ABRAHAM DEPEYSTER, } Esq^{rs}
ROBERT LIVINGSTON, }

SAMUELL STAATS, }
ROBERT WALTERS, } Esq^{rs}

Coll^o Stephen Cortlandt one of the Comissioners for Collecting and Receiving the Revenue of this province produced to this board a List of the debts of the Government.

Ordered, that the Said Coll^o Stephen Cortlandt do carry the same to the house of Representatives.

Adjourned till to morrow morning.

At a Councell held at ffort William Henry, this one and Thirtieth day of March, 1698.

PRESENT—

His Excellency RICHARD Earle of BELLOMONT, &c.,

Captain JOHN NANFAN, Lieutenant Governor,

STEPHEN CORTLANDT, }
ABRAHAM DEPEYSTER, } Esq^{rs}
ROBERT LIVINGSTON, }

SAMUELL STAATS, }
ROBERT WALTERS, } Esq^{rs}

A Message from the house of Representatives by Abraham Gouverneur and John Jackson Esqrs acquainting his Excellency that the house desired to attend his Lordship with an Adresse.

His Lordship answered, that he was ready to Receive them.

The house of Representatives being present the Speaker read the following Adresse to his Excellency :

House of Representatives.

The humble Adresse of the Representatives Convened in Generall Assembly.

May it please Yo^r Excellency.

The Representatives Convened in Generall Assembly are so sensible of the great Service done to his Majesty and this province, in the negotiation your Excellency had with the five Nations of Indians, when your Lordship was at Albany, That they cannot but with the greatest fervency of Affection Expresse their acknowledgments thereof, having observed by your Excellencies great prudence and conduct in that matter you had sweetened their humour which had been much sowered by the great disappointm^{ts} they had formerly mett with which Inraged them to such a degree that if your Excellencies care had not Intervened they would have deserted their friendship to this province, and gone over to the french which would have made the peace more greivous to all the Inhabitants than the late warr.

Therefore we most humbly Assure your Lordship in the deep sence of the great ndvantages which all the Inhabitants of this province have obtained by your Lordships prudent management of that negotiation that we will with the utmost of our power and abilities assist your Excellency in the Administration of your Lordships Government, and pray for your Lordships prosperity and long rule over us, for the honour of his Majestie and the welfare of the Inhabitants of this province.

By order of the house of Representatives

JA: GRAHAM, Speaker.

Then his Excellency said to the Assembly,

Gentlemen

I thank you for the Complement you make me on the score of my managment of the five Nations of Indians. Whatever service I have done in that matter, it was my duty to do it and I promise you while I am among you the same duty will lead me to do the King and this province the best service I possibly can.

Adjourned till Munday morning, nine of the clock.

At a Councell held at ffort William Henry, this third day of Aprill, 1699.

PRESENT —

His Excellency RICHARD Earle of BELLOMONT, &c.,

Captain JOHN NANFAN, Lieutenant Governour,

STEPHEN CORTLANDT, }
WILLIAM SMITH, } Esq^{rs}
ABRA: DEPEYSTER, }

ROBERT LIVINGSTON, }
SAM^l STAATS, } Esq^{rs}
ROB^t WALTERS, }

The petition of Richard floyd read, and Coll^o Smith having Reported to this board his proceedings in the matter of the said Whale the Said Coll^o Smith is directed to putt his said Report in writing and that the said Report and what Evidences the said Coll^o Smith hath taken in that matter be Delivered to the Attorney-Generall in order to his prosecution of the said floyd, and that it be referr'd to the said Attorney-generall to take such baile for the said floyds appearance as he shall think fitt.

Ordered, that the Sergeant at Arms do bring the said Richard floyd to this house to morrow morning eight of the Clock and that he sūmons Cap^t: Samuell Mulford to appeare at the same time.

Adjourned till to morrow morning.

At a Councell held at ffort William Henry, the fourth day of Aprill, 1699.

PRESENT —

His Excellency RICHARD Earle of BELLOMONT, &c.,

Captain JOHN NANFAN, Lieutenant Governour,

STEPHEN CORTLANDT, }
WILLIAM SMITH, } Esq^{rs}
ABRA: DEPEYSTER, }

ROB^t LIVINGSTON, }
SAM^l STAATS, } Esq^{rs}
ROBERT WALTERS, }

Ordered, that Richard floyd now in the Custody of the Sergeant at arms be discharged paying his fees.

Ordered, that if Captain Samuell Mulford do make appear to Coll^o W^m Smith that the whale lately come on shoar on the Mannor of Saint Georges, was killed by persons Employed by him that then the said Coll^o Smith do deliver the Oyle and Bone putt into his possession by virtue of a former order of this house to the said Captain Mulford.

Adjourned till to morrow morning.

At a Councell held at ffort William Henry, this fifth day of Aprill, 1699.

PRESENT —

His Excellency RICHARD Earle of BELLOMONT, &c.,

Captain JOHN NANFAN, Lieutenant Governour,

The rest as yesterday.

His Excellency producing a paper brought down by Jan Baptist van Epe from Onnondaga relating to the five Nations of Indians,

Ordered, that the same be transmitted to the Assembly and Samuell Staats and Robert Walters Esqrs are hereby desired to carry the same and to desire that the house of Representatives will immediately take the said matter into their Consideration, there being an absolute necessity for their soe doing; as likewise the whole Bussinesse of the Indians which was Recommended by his Excellency in his speech to the said house.

Adjourned till to morrow morning.

At a Councell held at ffort William Henry, this Sixth day of Aprill, 1699.

PRESENT —

His Excellency RICHARD Earle of BELLOMONT, &c.,

STEPHEN CORTLANDT,
WILLIAM SMITH,
ABRA : DEPEYSTER, } Esq^{rs}

ROBERT LIVINGSTON,
SAMUELL STAATS,
ROBERT WALTERS, } Esq^{rs}

A Message from the Assembly to this house by Abraham Gouverneur and Leonard Lewis Esq^{rs} desiring a Committee of the Councell to Confer with a Committee of the Assembly about the message sent yesterday concerning the Indian Affaires to the Assembly from this house.

Ordered, that Coll^o Stephen Cortlandt, Coll^o William Smith, Robert Livingston, Samuëll Staats and Robert Walters Esq^{rs} doe meet the Committee of the Assembly at the house of Coll^o Cortlandt at four of the Clock afternoone. And that the Gentlemen of the Assembly appointed to be of the said Committee are desired to bring with them all the papers sent by his Excellency to the said house together with all other papers in their Custody relating to the said matter.

Adjourned till to morrow morning.

At a Meeting of the Committees of Councell and Assembly at the house of Coll^o Stephen Cortlandt in New-York the sixth day of Aprill, 1699.

Of the Councell, {
STEPHEN CORTLANDT,
WILLIAM SMITH,
ROBT. LIVINGSTON,
SAM^{ll} STAATS,
ROBERT WALTERS, }

Of the Assembly, {
HENDRICK HANSEN,
JOHANNES BLEEKER,
JOH^{es} DEPEYSTER,
LEONARD LEWIS,
K^{ln} RANSLAER,
RYER SCHERMERHOORN,
ABRA : GOUVERNEUR,
MATHEW HOWELL. }

Resolved, that messengers be sent to the Meeting of the Indians at Onnondage with Instructions.

The Assembly Recommend Johannes Bleeker and Captain John Schuyler for the said service, And that Arnout Cornelisse Viele and Jan Baptist van Epe goe with them as Interpreters, or such other persons as his Excellency shall think fitt with necessary Instructions.

Resolved, that Robert Livingston and Samuëll Staats Esq^{rs} members of the Councell, Abraham Gouverneur, Johannes Bleeker, Ryer Schermerhoorn, William Ranslaer and Hendrick Hansen of the Assembly doe draw up Instructions this Evening for the said persons to carry with them, and that the said Committees doe meet again to morrow morning Eight of the Clock to Consider of what shall be drawn up by the s^d persons.

The seaventh day of Aprill, 1699.

PRESENTIBUS —

Eisdem.

The Instructions for Johannes Bleeker and Captain John Schuyler being drawn up by the persons appouinted thereunto by the Committees, were Read and approved of.

At a Councell held at ffort William Henry this seaventh day of Aprill, 1699.

PRESENT —

His Excellency RICHARD Earle of BELLOMONT, &c.,

Captain JOHN NANFAN, Lieutenant Governor,

STEPHEN CORTLANDT,
WILLIAM SMITH,
ABRA : DEPEYSTER, } Esq^{rs}

ROBERT LIVINGSTON,
SAMUELL STAATS,
ROBERT WALTERS, } Esq^{rs}

Johannes Carfbyle, Henry Pearson, Jacob Rutzen and Daniell Whithead Esq^{rs} from the Assembly delivered to his Excellency in Councell A Bill for Indempnifying all such persons as were Excepted out of the Generall Pardon made by Act of Generall Assembly of this province in the yeare of our Lord 1691.

Ordered, the said Bill be read the first time. Which was done, and ordered a second Reading to morrow morning.

Adjourned till to morrow morning

At a Councell held at ffort William Henry this Eighth day of Aprill, 1699.

PRESENT —

His Excellency RICHARD Earle of BELLOMONT, &c.,

Capt JOHN NANFAN, Lieutenant Governor,

STEPHEN CORTLANDT,

WILLIAM SMITH,

ABRA : DEPEYSTER,

} Esq^{rs}

SAMUELL STAATS,

ROBERT WALTERS, } Esq^{rs}

The Bill for Indemnifying &c^a Read the second time.

His Excellency Acquaints the Councell that having read over the Bill for Indemnifying all such persons as were Excepted out of the Generall pardon made by Act of Generall Assembly in this province in the year of our Lord 1691, which was sent up to himselfe and the Councell yesterday by messengers from the house of Representatives, he is of opinion the Bill is well enough drawn to answer the end and design thereof; only there are some few Literall Mistakes which he has marked in a paper which he now delivers at this board, and desired if the Gentlemen of the Councell have any Amendments to offer they will doe it, otherwise that they will peruse the Amendments contained in the paper aforesaid, and if they approve thereof, that they will joyne with him in Returning the Bill and Amendments to the house of Representatives by Messengers from this board. This board doe agree to the said Amendments and order that the said Bill together with the Amendments be sent down to the Assembly to desire their Concurrence with the same. And this board does desire Samuell Staats and Robert Walters Esq^{rs} to Carry the said Bill and Amendments to the house of Representatives. Which Amendments follow vizt.

In folio 3 Line 5th leave out the word [never] and put in [ever]. In folio 4 Line 8th Leave out the word [other]. In folio 4 Line 9th Leave out the word [persons], and Recite all the names before Recited, Except Jacob Leisler, Jacob Milburne and Abraham Gouverneur whose Attainders are Reversed by the before-mentioned Act of parliament in England. In folio 4 Line 10th between the words [the] and [Revolution] add the words, [late happy].

Adjourned till Tuesday morning nine of the Clock.

At a Councell held at ffort William Henry the Eleaventh day of Aprill, 1699.

PRESENT —

His Excellency RICHARD Earle of BELLOMONT, &c.,

Captain JOHN NANFAN, Lieutenant Governor,

STEPHEN CORTLANDT,

WILLIAM SMITH,

ABRA. DEPEYSTER,

} Esq^{rs}

ROBERT LIVINGSTON,

SAMUELL STAATS,

} Esq^{rs}

The Instructions to Captain Johannes Bleeker and Capt John Schnyler drawn up by the Committees of Councell and Assembly appointed thereunto Read and approved of.

Henry Pearson, Cornelius Sebran, Hasbrook and Ryer Schermerhoorn Esq^{rs} delivered to his Excellency in Councell A Bill for Establishing Courts of Judicature in each Respective City and County within this province. Which was Read the first time.

His Excellency produced to this Board in writing three clauses which he had taken out of his Instructions from his Majesty, as followeth :

INSTRUCTIONS from his Majesty to the Earle of BELLOMONT, Governor of New York &c.

WHEREAS his Majesty thinks fitt for the better Administration of Justice, that a Law be passed wherein be sett the value of mens Estates either in Goods or Lands, under which they shall not be Capable of serving as Jurors: You are therefore by the first opportunity of transmitting any Laws hither for his Majesties approbation to prepare and send one for that purpose.

You are with the Assistance of the Councell to find out the best meanes to facilitate and Incourage the Conversion of Negros and Indians to the Christian Religion.

You are to Endeavour with the Assistance of the Councell to provide for the Raising and Building of publick work-houses in Convenient places for the Employing of poor and Indigent people.

Ordered, that the same be sent down to the Assembly for their Consideration.

The Governor and Councell think it proper to put the house of Representatives in mind, that it will be much for the Credit and Service of the province, that there be a handsome well contrived Town-house, wherein the Governor, Councell and Assembly may hold their Sessions, and also their Inferior Courts of Justice, and where the Mayor of New York may keep or hold his Courts.

The Governor and Councill also think it proper to putt the said house of Representatives in mind that a good Sufficient goale is also much wanted in this City of New York.

The Governor and Councill doe also Recommend to the house of Representatives the preparing a Bill for the Regular and faire Choosing of Representatives to serve in the Generall Assembly of this province, which will as they Conceive be very usefull and will prevent disputes and Quarrells which formerly often happened at Elections.

Ordered, that the same be likewise sent to the house of Representatives for their Consideration and Samuell Staats Esq^r is hereby desired to Carry the same (together with his Majesties Instructions to his Excellency, this day produced by his Excellency to this board) to the said house.

Johannes Korfbyle, Henry Pearson, Jacob Rutson and Daniell Whitehead Esq^{rs} from the Assembly brought to this house the Bill for Indemnifying all such persons as were Excepted out of the Generall Pardon made &c Amended by the said Representatives.

Adjourned till to morrow morning.

At A Councill held at ffort William Henry, this Twelveth day of Aprill, 1699.

PRESENT—

His Excellency RICHARD Earle of BELLOMONT, &c.,

Captain JOHN NANFAN, Lieutenant Governor,

STEPHEN CORTLANDT, }
WILLIAM SMITH, } Esq^{rs}
ABRA. DEPEYSTER, }

SAMUELL STAATS, }
ROBERT WALTERS, } Esq^{rs}

The Bill for Indemnifying &c being yesterday sent up to this house from the Assembly, with the Amendments agreed to and Amended accordingly,

Ordered, that the same be again sent down to the house of Representatives to be fairly Engrossed and Returned to this Board, and,

Ordered, that the Clerk of the Councill doe Carry the same to the said house.

Adjourned till to morrow morning.

At A Councill held at ffort William Henry this 13th day of Aprill, 1699.

PRESENT—

His Excellency RICHARD Earle of BELLOMONT, &c.,

Captain JOHN NANFAN, Lieutenant Governor,

STEPHEN CORTLANDT, }
WILLIAM SMITH, } Esq^{rs}
ABRA : DEPEYSTER, }

ROBERT LIVINGSTON, }
SAMUELL STAATS, } Esq^{rs}
ROBERT WALTERS, }

His Excellency ordered the Messenger of the Councill to acquaint the Assembly that he had some Businesse to send to them in half an hour, and to Desire that they would not rise till they had Received the said Message.

His Excellency and Councill taking again into their Consideration the Instructions for Captain John Bleeker and Captain John Schuyler, Read in this house the Eleaventh Instant, do desire Coll^o W^m Smith and Coll^o Abraham Depeyster to acquaint the house of Representatives that on further Consideration they had thought fitt to add another Clause to the said Instructions, (vizt)

That if the french or french Indians should make any Insult upon our Indians that they would do well to Resist force with force, and that his Excellency will Assist them as far as he is able.

Adjourned till to morrow morning.

At a Councell held at ffort William Henry, this 14th day of Aprill, 1699.

PRESENT —

His Excellency RICHARD Earle of BELLOMONT, &c.,

Captain JOHN NANFAN, Lieutenant Governour,

STEPHEN CORTLANDT, }
WILLIAM SMITH, } Esq^{rs}
ABRA: DEPEYSTER, }

ROBERT LIVINGSTON, }
SAMUELL STAATS, } Esq^{rs}
ROBERT WALTERS, }

Johannes Depeyster, Leonard Lewis, Killian van Ranslaer and John Drake Esq^{rs} from the Assembly brought to this house a Bill for the Restraining and punishing Privateers and Pyrats, and another Bill for the Repealing An Act of Assembly Intituled An Act for the Regulating Damages done in the time of the late disorders, &c.

Abraham Gouverneur and John Jackson Esq^{rs} from the Assembly, brought to this house a Bill for Regulating and Returning able and Sufficient Jurors in Tryalls at Law.

His Excellency acquainted this house that he was Informed of some persons now in this City who went on board of the Ship Adventure when Riding at Anchor off the East end of Nassau Island; and had brought severall Gunns, money and other things from thence; that he thought it his duty to Endeavour as much as in him lay to secure all things brought from on board the said Ship, that he could possibly come to the possession of, for the owners thereof; that in order thereto he had sūmoned the said persons to appeare before this house, and that they were attending without.

His Excellency and Councell ordered Isaac Cohen de Lara, a Jew, to be called into the Councell Chamber, who being Required by this house to declare the truth of his knowledge in the premises, declared, *ore tenus*, that he agreed with one Jonathan Bennet, Master of the Sloop Rebecca, to transport severall goods from Road Island to this Port; that in their way hither, they were fired at and brought too, by the ship Adventure; that after some stay there, the persons on board the ship, gave the Master of the said Sloop Seaventy two small gunns, Seaven paire of Pistolls, two or three dozen of hatts and severall other things which he named; That one Anthony Blunt a Passenger in the Sloop, brought from on board the said Ship, Two Baggs of money, and a bundle besides in which there was money; that there was as he beleived about seaven or Eight hundred pieces of Eight in the two baggs, and as much in the Bundle by the Biggnesse; That the said Bennet had dammified his Goods in the Voyage and had since his arriveall here agreed to give him the freight for his Goods hither and five of the said small gunns as a satisfaction for the said Damage, and seemed frank in declaring his knowledge of the premisses.

Ordered, that Joseph Bueno doe put into Writing what the said Isaac Coheen de Lara shall declare on his Recollecting his Memory in the premises. Then his Excellency ordered the said Jonathan Bennett Master of the said sloop, and the said Anthony Blunt, one of the Passengers, to be distinctly called in, who both seemed evasively to answer what Questions were put to them, soe that this house could not make any discovery by reason of their Contempt. The said Bennet and Blunt thereon ordered to withdraw.

This house are of opinion and doe order that the said Jonathan Bennet and Anthony Blunt be Comitted to the Custody of the Sergeant at Arms till further order.

Adjourned till four of the Clock in the afternoone.

Post Meridiem.

PRESENTIBUS—

Eisdem.

Ordered, that Thomas Rothburne be Comitted to the Custody of the Sergeant at Arms untill he find security not to depart the province without leave from this house.

The Bill for Restraining and punishing Privateers and Pyrates,

The Bill for Regulating and returning able and Sufficient Jurors, &c,

The Bill for Repealing An Act for Regulating damages done in the time of the late disorders &c, Read the first time.

Adjourned till to morrow morning.

At a Councill held at ffort William Henry this fifteenth day of Aprill, 1699.

PRESENT—

His Excellency RICHARD Earle of BELLOMONT, &c.,

Captain JOHN NANFAN, Lieutenant Governor,

STEPHEN CORTLANDT, }
WILLIAM SMITH, } Esq^{rs}
ABRA: DEPEYSTER, }

ROBERT LIVINGSTON, }
SAM^l STAATS, } Esq^{rs}
ROBERT WALTERS, }

Mr Samuell Burt being Examined about the Report he heard at the east end of the Island Nassau about the ship lately sunk there, which some Pyrats had run away with, called the Adventure of London, sayth: that he heard of the people there as followeth: That the Captain called Broadish was much Concerned when he heard the ship was sunk, and asked the mate why he had done it? the mate sayd, the Captain staying soe long they dispaired of his Coming, and soe sunk the Ship. The Captain asked what was become of his share? The mate sayd it was aboard of the sloops (for they had three sloops attending the ship when they sunk her). The Captain was then satisfied but Inquired what was become of the boy; the Captain was told that they boy was putt on shoare, and as they pointed it was on the main, and that he had given him ffive hundred pounds besides some money, about a hat full, over and above, at which the Captain seemed to be pleased, since the boy was more pleased to be ashore at the Cart or plow than to goe to Sea.

The said Samuell Burt being desired by his Excellency and this house to give an Account of the produce of the Excise of each Town on the Island Nassau the last yeare, declared that he could not at present perform their demand, and his Lordship asking him who was concerned with him in that ffarm, he Replyed, Captain Ebenezer Willson.

Whereas it is thought fitt for his Majesties service that a particular account be delivered to this house by Mr Samuell Burt and Captain Ebenezer Willson who farmed the Excise of the Island Nassau, what the same did yeild and produce the last yeare, in order that that branch of his Majesties Revenue may be the better Regulated. It is

Ordered, that the said Mr Samuell Burt and Captain Ebenezer Willson doe appear before this house on Munday morning at nine of the Clock and then and there Exhibite a true and Exact account on their oathes of the produce of the Excise of each Town on the Island Nassau the last yeare.

Ordered, that the Sergeant at Arms doe bring Anthony Blunt and Jonathan Bennet now in his Custody before this house.

Ordered, that Anthony Blunt and Jonathan Bennet be discharged from the Custody of the Sergeant at Arms, they first giving Security not to depart the province without Lycense from this house.

The Bill for Establishing Courts of Judicature in each respective City and County within this province;

The Bill for Returning able and Sufficent Jurors in Tryalls at Law;

And the Bill for Restraining and punishing Privateers and Pyrats Read the second time and Comitted to Coll^o William Smith Cheife Justice, and the rest of the Justices of his Majesties Supreme Court of Judicature for this province.

The Bill for Indemnifying &c. being Returned to this house fairly Ingrossed was Read the third time, and passed this house.

Samuell Staats and Robert Walters Esq^{rs} ordered to acquaint the Assembly that the said Bill is passed this house.

Adjourned till Munday morning nine of the Clock.

At a Councill held at ffort William Henry, the Seaventeenth day of Aprill, 1699.

PRESENT—

His Excellency RICHARD Earle of BELLOMONT, &c.,

Captain JOHN NANFAN, Lieutenant Governor,

STEPHEN CORTLANDT, }
WILLIAM SMITH, } Esq^{rs}
ABRA: DEPEYSTER, }

ROBERT LIVINGSTON, }
SAMUELL STAATS, } Esq^{rs}
ROBERT WALTERS, }

Mr Samuell Burt and Captain Ebenezer Willson appearing this day before this house pursuant to an order of the fifteenth Instant, his Excellency Required the said Burt on oath to Declare what he lett the Excise of Nassau Island for this last yeare, who offered to sweare that he could not give the said Account; and being told by this house, that they did not Require an account of what he made of the said Excise, but what he lett the severall Towns

and Mannors on the said Island for, which they suposed he could not but know, for that it is lett by the yeare, and the time they had farmed it for is neare Expiring; the said Mr Burt sayd he could not give any such account, and he being asked if he would swear he could give no such account; he answered, he thought he could not be obliged to make such oath.

Then Captain Willson being Required by this house to Discover upon oath what the Excise of the said Island was lett for the last yeare, he Insisted that he had farmed the same from the then Collector of this province, that he had payd the money he had agreed to give for the Rent thereof into the Revenue, that he was no Kings officer or Receiver, and therefore was not obliged to give any such account to the King or to any other whatsoever. The said Willson being by his Excellency again asked, if he would sweare that he Could not give any such Account; he answered that he was not willing to take such oath. Then this house ordered the said Burt and Willson to withdraw. And the matter being debated, and duly Considered of by this house. It is

Resolved, that unlesse the said Samuell Burt and Ebenezer Willson will discover upon oath what they lett the Excise of the whole Island of Nassau for this last yeare, and also each County, Town, and Mannor, they be Comitted unto the Custody of the Serjeant at Arms till further order.

Then his Excellency ordered the said Burt and Willson to be called in; and acquainted them with the above Resolve of this house, and Required them to inform this house upon oath what they lett the Excise of the whole Island of Nassau this last yeare for, and also each County, Town and Mannor. Which they Refused.

Then his Excellency told them that himself and this house were willing to be as easy to them as they Could, and that they had no other end in getting that discovery from them, but the Kings service, his Excellency advised them to a Compliance and wondred they should be soe stubborn and Refractory, since there was no manner of design to Injure them, for if they had made ever soe advantagious a Bargain it was Excusable in them, and they should be allowed the Benefitt thereof and bidd them to Consider that this house durement the sessions of Assembly was Invested with a greater power, as being part of that Constitution, than at other times in the Quallity of Governor and Councell. his Lordship alsoe told them they would doe well to be better advised, and Consider it is their duty to make that Discovery as tending to the Kings service, for that those Lawyers that advised them were Disaffected to his Majesties Government as he himselfe could prove, and that their Refusall is look'd upon by this house as a high Contempt of the Kings authority. But they still persisting in their stubbornesse,

This house therefore doe order that they be both Comitted to the Custody of the Serjeant at Arms till further order.

Whereupon the Serjeant at Arms was called in, and ordered to take them into Custody till further order accordingly.

This house are of opinion and doe order that the Attorney Generall of this province doe, as soon as possible, draw up a short Bill for the Comitting the aforementioned Samuell Burt and Ebenezer Willson to prison untill they shall discover what hath been Required of them.

The Bill for Repealing an Act of Assembly Entituled, An Act for the Regulating damages done in the time of the late Disorders &c Read the second time and Comitted to Coll^o William Smith Cheif Justice and the rest of the Justices of the Supreme Court of Judicature of this Province.

Adjourned till to morrow morning.

At A Councill held at ffort William Henry this Eighteenth day of Aprill, 1699.

PRESENT —

His Excellency RICHARD Earle of BELLOMONT, &c.,

Captain JOHN NANFAN Lieutenant Governor,

STEPHEN CORTLANDT, }
WILLIAM SMITH, } Esq^{rs}
ABRA : DEPEYSTER, }

ROBERT LIVINGSTON, }
SAM^{ll} STAATS, } Esq^{rs}
ROBERT WALTERS, }

The Bill drawn up by the Attorney-Generall for Comitting of Ebenezer Willson and Samuell Burt &c and brought into this house. Read the first time.

Ordered, a second Reading to morrow morning.

Adjourned till to morrow morning.

At a Councell held at ffort William Henry this nineteenth day of Aprill, 1699.

PRESENT — His Excellency RICHARD Earle of BELLOMONT, &c.,
Captain JOHN NANFAN, Lieutenant Governor,

STEPHEN CORTLANDT,	} Esq ^r	ROBERT LIVINGSTON,	} Esq ^r
WILLIAM SMITH,		SAMUELL STAATS,	
ABRA : DEPEYSTER,		ROBERT WALTERS,	

The Bill for Comitting of Ebenezer Willson and Samuell Burt &c Read the second time and ordered to be Engrossed.

Coll^o William Smith Cheif Justice of this province and Chairman of the Committee to whose Inspection severall Bills were Comitted does Report to this honöble house,

That the Bill for Establishment of Courts is very different from the former Constitution in this province, and will therefore Require a longer time justly to Consider the same. That the Bill for Returning able and sufficient Jurors do passe without any Amendment. That the Bill for Restraining and punishing Privateers and Pyrats be Limited only for two yeares, and to the next Session of Assembly that shall sitt after the Expiration thereof, only with this Amendment : That such person who shall Refuse to appeare or neglect to obey the officers who shall Require their Assistance in the taking or apprehending any Pyrates or Privateers as in the said Act is Expressed, Instead of being subjected to be punished by the Decree of the Court Martiall shall be lyable to be fined in the sume of Ten pounds to be had and Recovered in the manner and forme as the fine Imposed by this Bill, on the Officer who shall neglect or Refuse his duty by this Act Required is sett forth and Expressed. That the Bill for Repealing an Act of Assembly Intituled An Act for the Regulating Damages done in the time of the late disorders &c doe passe without any Amendment.

Ordered, that the Bill for Establishment of Courts &c be Recomitted as before.

The Bill for Regulating and Returning of able and Sufficient Jurors in Tryalls at Law ;

The Bill for Repealing An Act of Assembly Intituled, An Act for the Regulating Damages done in the time of the late Disorders &c and

The Bill for Restraining and punishing Privateers and Pyrats Read the Third time and passed this house

Adjourned till to morrow morning.

At a Councell held at ffort William Henry, this twentieth day of Aprill, 1699:

PRESENT — His Excellency RICHARD Earle of BELLOMONT, &c.,
Captain JOHN NANFAN, Lieutenant Governor,

STEPHEN CORTLANDT,	} Esq ^r	ROBERT LIVINGSTON,	} Esq ^r
WILLIAM SMITH,		SAMUELL STAATS,	
ABRAHAM DEPEYSTER,		ROBERT WALTERS,	

The petition of the Inhabitants of Queen street and severall other streets neare adjacent Read.

Ordered, that a copy of the petition be sent down to the Assembly desiring them to take the said matter into their Consideration, and to Report to this house their opinions therein ; and the Clerk of the Councell is hereby ordered to deliver to all persons desiring the same a Copy of the said petition and this order thereon, and to Receive all papers Delivered to him concerning the premises, and to lay them before this house.

Adjourned till to morrow morning.

At a Councell held at ffort William Henry, this one and Twentieth day of Aprill, 1699

PRESENT — His Excellency RICHARD Earle of BELLOMONT, &c.,
Captain JOHN NANFAN, Lieutenant Governor,

STEPHEN CORTLANDT,	} Esq ^r	ROBERT LIVINGSTON,	} Esq ^r
WILLIAM SMITH,		SAMUELL STAATS,	
ABRA : DEPEYSTER,		ROBERT WALTERS,	

The Bill for Comitting of Ebenezer Willson and Samuell Burt &c Read the Third time and passed, and

Ordered, that Samuëll Staats and Robert Walters Esq^{rs} do Carry the same to the Assembly for their Assent.

Whereas a Remonstrance hath been this day offered to this house signed by Ebenezer Willson and Samuëll Burt addressed to his Excellency and the Councell Board, and this house being now sitting in the Quality of the upper house of Assembly of this province, by whom the said Ebenezer Willson and Samuëll Burt were Comitted for their Contempt; This house are of opinion that the said Remonstrance does not come properly before them and that it be offered in Councell next publick Councell day which is next Thursday.

Adjourned till to morrow morning.

At a Councell held at ffort William Henry, this two and Twentieth day of Aprill, 1699.

PRESENT —

His Excellency RICHARD Earle of BELLOMONT, &c.,

Captain JOHN NANFAN, Lieutenant Governour,

STEPHEN CORTLANDT, }
ABRA. DEPEYSTER, } Esq^{rs}
ROB^t LIVINGSTON, }

SAMUELL STAATS, }
ROBERT WALTERS, } Esq^{rs}

His Excellency gave the Assent to the Bill for Comitting Samuëll Burt and Ebenezer Willson the same being Returned passed from the Assembly to this house.

The Clerk of the Councell Informed this house that Mr Burt and Mr Willson were now willing to Comply with the Directions contained in the Act of Assembly for Comitting them.

Ordered, that the Sargeant at Arms doe bring the said Samuëll Burt and Ebenezer Willson before this house Immediately, which being done and the Act being read to them, they offered to Comply therewith, and Declared on their oathes before this house that they nor either of them, have not by themselves nor by any Employed by them Directly nor Indirectly lett the Excise of the Island Nassau for more or otherwise than is Contained in a paper sent by them to this house. By which paper it appears that the said Excise was lett by them for £126 07^s 06^d the last yeare.

Ordered, that the said Ebenezer Willson and Samuëll Burt be discharged from the Custody of the Sargeant at Arms paying their fees.

His Excellency laid before this house three Bills which were Delivered (with the Bill for Comitting Ebenezer Willson &c) to him yesterday by Coll^o Rutsen and others members of the Assembly after this house was Risen vizt.

The Bill for preventing Abuses daily Comitted by Negroe slaves and Indians;

The Bill for Regulatng of An Act of Assembly Intituled, An Act for the Supervising Intestates' Estates and Regulatng the Probate of Wills and granting Letters of Adm'stration.

The Bill for preventing Vexatious suites and Settling and Quieting the minds of his Majesties peaceable Subjects within this province. Which were read the first time.

Adjourned till Tuesday morning.

At a Councell held at ffort William Henry, this 25th day of Aprill, 1699.

PRESENT —

His Excellency RICHARD Earle of BELLOMONT, &c.,

Captain JOHN NANFAN, Lieutenant Governour,

STEPHEN CORTLANDT, }
ABRA : DEPEYSTER, } Esq^{rs}
ROB^t LIVINGSTON, }

SAMUELL STAATS, }
ROBERT WALTERS, } Esq^{rs}

The Bill for preventing abuses &c,

The Bill for Regulatng of an Act &c,

The Bill for preventing Vexatious suites &c, Read the second time and Comitted to Coll^o Abraham Depeyster, Robert Livingston, Samuëll Staats and Robert Walters Esq^{rs}

Adjourned till to morrow morning ten of the Clock.

At a Councell held at ffort William Henry, this 26th Aprill, 1699.

PRESENT —

His Excellency RICHARD Earle of BELLOMONT, &c.,
Captain JOHN NANFAN, Lieutenant Governor,

STEPHEN CORTLANDT, }
ABRA : DEPEYSTER, } Esq^r
ROBERT LIVINGSTON, }

SAMUELL STAATS, }
ROBERT WALTERS, } Esq^r

The Bill for preventing Vexatious suites &c Read the third Time with the following amendments and passed, and,

Ordered that the said Bill be sent down to the house of Representatives with the said amendments, vizt.

Page the 2^d Line 12th between the words [therefore] and [preventing] add the word [for]; in page the 3^d Line 1st between the words [it] and [hereby] add the word [is]; In page 3^d Line 7th Instead of the word [Resolution] write [Revolution.]

And Doctor Samuell Staats is hereby Desired to carry the said Bill and amendments to the said house, and to Desire them to Consent to the same.

Samuell Staats Esq^r Desired to acquaint the house of Representatives that this house doe desire them to appoint a Committee of their house to Conferr with Coll^o Abraham Depeyster, Robert Livingston and Robert Walters Esq^r who are appointed a Committee of the Councell about the whole Bill for preventing abuses daily Comitted by Negro Slaves and Indians.

Adjourned till to morrow morning.

At a Councell held at ffort William Henry, this 27th Aprill, 1699.

PRESENT —

His Excellency RICHARD Earle of BELLOMONT, &c.,
Captain JOHN NANFAN, Lieutenant Governor,

STEPHEN CORTLANDT, }
ABRA : DEPEYSTER, } Esq^r
ROB^t LIVINGSTON, }

SAMUEL STAATS, }
ROBERT WALTERS, } Esq^r

A Message from the Assembly by Abraham Gouverneur, Leonard Lewis, Johannes Depeyster, Ryer Schermerhoorn and Hendrick Hansen Esq^r with the Bill for granting unto his Majesties severall Duties for the defraying the publick Charge of the Government, after the time Limited in a Certain Act Entitled, An Act Confirming and Continuing unto their Majesties the Revenue Established by An Act of Generall Assembly for defraying the publick and necessary charge of the Government is Expired.

Which was Read the first and second time and Comitted to a Grand Committee of the whole house to Consider thereof.

The aforesaid persons also layd before this board the Bill for preventing Vexatious Suites, the Assembly having Consented to the Amendments.

The Report of the Assembly to this house on the petition of the Inhabitants of Queens Street in this City, Read and Referred to farther Consideration.

Adjourned till to morrow morning.

At A Councell held at ffort William Henry, 28th Aprill, 1699.

PRESENT —

His Excellency RICHARD Earle of BELLOMONT, &c.,

STEPHEN CORTLANDT, }
ABRA : DEPEYSTER, } Esq^r
ROBERT LIVINGSTON, }

SAMUELL STAATS, }
ROBERT WALTERS, } Esq^r

The Chairman of the Committee of the Councell to whome the Revenue Bill was by order of this house Referred does Report, that the following amendments ought to be Inserted in the said Bill vizt.

ffolio 17 Line 1st. And be it further Enacted by the authority afores^d, that all persons not being Retailers who shall receive any Rum into the City and County of Albany or County of Ulster, shall if thereunto Required, deliver an Account upon oath to the Collector or Receiver of the Duties arising by this Act in each County of the Quantity of Rum Received by them, together with the names of the person or persons they have disposed of the same to, with the Quantity disposed

of to each person; And that such person or persons who have bought the same shall if thereunto required Deliver an Account upon oath to the Collector and Receiver, that he or they have not disposed of the Quantity soe bought by them by Retaile, but have Converted the same to their own use.

Folio 17 Line 4th. And that if any Question or Difference shall arise concerning the Alienating of the property of the Goods and Merchandizes mentioned in this Act, That then the Collector and Receiver Generall of this province is hereby authorized and Impowered to Administer an oath to the person that enters the same in his Majesties Custom-house that the said Goods have not been by him sold to any person but are exported on his owne proper Account.

Page 13. Line 7th. Between the words [aforesaid] and [that] add [and make oath before the Collector and Receiver Generall of this province]

Page 13 Line 8th & 9th. Leave out these words [and Carry out of this province.]

Page 9. In the Beginning of the tenth line add these words [or shall trade or traffick from one port or place to another within the same.]

In folio 9 the last Line between the words [province] and [before] add [or since their Departure from such port or place within the same they arrived from. Which was approved of.]

His Excellency acquaints the Councell that having Examined the powers in his Majesties Commission and Instructions finds the three Clauses, Copies whereof he now produces, Whereby he Conceives that it is his Majesties gracious will and pleasure, that the settling and making a Table of fees Relating to the severall officers and offices within this Government shall be by the appointment of the Governor and Councell, and that his Majesty is soe Carefull therein, for the ease of the subject, That he has been pleased to putt a Restriction upon the Governor and Councell, whereby his Majesty plainly Reserves to himself the approbation of all such fees, as shall be soe settled by the Governor and Councell as aforesaid, as appears by the words marked with a line at the latter end of the first Clause taken out of his Majesties Instructions, and his Excellency Desiring the advice of the Gentlemen of the Councell, they are of opinion unanimously, that a Conference ought to be desired with the house of Representatives upon the subject matter of the Revenue Bill sent up yesterday to this house, with the Table of fees annexed thereunto for the officers of the Customs:

And it is agreed that Coll^o Abraham Depeyster, Robert Livingston, Samuell Staats and Robert Walters Esq^s be Managers of the Conference with the house of Representatives, and they are desired to putt the managers of the said house of Rep^sentatives in mind that it is the opinion of his Excellency and of this house that it will be proper for the house of Representatives, to withdraw the Table of fees, and the Clause in the said Bill Relating thereto to the end that his Majesties orders and Instructions may be Complied with and that no Indecency or Disrespect may be Comitted against the same by the house of Rep^sentatives. The managers of this house are also to acquaint the Managers of the Lower house, that the Governor and Councell will take the Businesse of fees into their Consideration this next week, and will take care soe to moderate them in all the offices of the Government, as they hope will give satisfaction to all parties Concerned, and his Excellency will send them to England to Receive his Majesties speciall directions therein. The Managers of this house are alsoe desired to lay before the Managers of the Lower house, Certain Clauses and Amendments which are prepared to be Inserted in the said Revenue Bill for the making the said Bill more effectually.

Ordered, that Samuell Staats and Robert Walters Esq^s do acquaint the Assembly that this house doe Desire them to appoint a Committee to Confer with a Committee of this house on the subject matter of the Revenue Bill sent up yesterday to this house. And the said Samuell Staats and Robert Walters Esq^s are hereby directed to acquaint this house when and where the said Conference is to be managed.

A Message from the Assembly by Abraham Gouverneur and Cornelius Van Brunt Esq^s to this house p^senting the Bill for settling the Estate of Jacob Milburne Deceased.

Adjourned till to morrow morning.

At A Councell held at ffort William Henry, this 29th Aprill, 1699.

PRESENT —

His Excellency RICHARD Earle of BELLOMONT, &c.,
Captain JOHN NANFAN, Lieutenant Governor,

STEPHEN CORFLANDT, }
ARRA. DEPEYSTER, } Esq^s
ROBERT LIVINGSTON, }

SAMUELL STAATS, }
ROBERT WALTERS } Esq^s

The Chairman of the Committee of the Councell appointed to manage the Conference with the Committee of the house of Representatives upon the subject matter of the Revenue Bill does Report to this honorable house,

That the Committee appointed by the house of Representatives doe Disagree to the two Amendments in the Revenue Bill by the Committee of the Councell desired to be Regulated in folio 9 of the said Bill.

The Committee of the Assembly Disagree to the Amendm^t page 13th Line 7th.

The said Committee agree to the Amendment page 13th Line 8th and 9th.

The said Committee agree to the Amendment folio 7th Line 4th.

The said Committee Disagree to the Amendment folio 17 Line 1st.

The Committee of the Assembly doe agree that the fees appointed for the severall officers particularly mentioned in this Act, and the Clauses tending thereunto be left out of the same, the said Committee paying all Dutyfull Deference to his Majesties Letters Patents and Instructions, to which the said Letters patents have Reference.

The Bill for Settling the Estate of Jacob Milburn Deceased, Read the first time.

A Message from the Assembly to this house by Abraham Gouverneur, Hendrick Hansen Johannes Depeyster and Jacob Rutsen Esq^{rs} presenting an Adresse from the house of Representatives and severall petitions annexed.

Ordered, that the said Adresse and petitions be Referred till further Consideration.

Ordered, that Anthony Bluut, Jonathan Bennet and Thomas Rothburne be permitted to depart the province if they shall see occasion, and the security given by them is hereby discharged.

Adjourned till Munday morning.

At a Councell held at ffort William Henry, the first May, 1699.

PRESENT —

His Excellency RICHARD Earle of BELLOMONT, &c.,

Captain JOHN NANFAN, Lieutenant Governor,

STEPHEN CORTLANDT, }
WILLIAM SMITH, } Esq^{rs}
ABRA: DEPEYSTER, }

ROBERT LIVINGSTON, }
SAM^l STAATS, } Esq^{rs}
ROBERT WALTERS, }

The Bill for Settling the Estate of Jacob Milburn Esq^r decēd, Read the second time and Comitted to Coll^o William Smith, Coll^o Abraham Depeyster, Samuell Staats and Robert Walters Esq^{rs} or any three of them.

His Excellency and the Gentlemen of the Councell doe Recommend to the Consideration of the house of Representatives how much it Imports his Majties honour and the Reputation of this province that the debts of the Government be discharged, that the Creditt thereof may be supported, that they will with all convenient speed agree upon such Meanes and Wayes, as may be effectually to discharge the same, for that it cannot be Expected, the emergent Charges of the Government being first defrayed, there should be any surplusage, arising out of the Revenue, as now settled, that can be applycable to that end.

Samuell Staats and Robert Walters Esq^{rs} are desired to Carry the above minute to the Assembly.

James Graham Esq^r, his Majesties Attorney Generall of this province, attending without, his Excellency ordered him to be called into the Councill chamber, where he being asked if this house during the Session of the Assembly had as part of that Constitution a Judiciall power to heare and Determine cases and causes of Law and Equity, and to vacate and Reverse Decrees and Judgments, he Resolved that his Excellency and this house had a Right soe to doe, and that they were vested with the powers aforesaid during the Sessions of the Assembly.

Ordered, that Coll^o W^m Smith, Coll^o Stephen Cortlandt, Coll^o Abra: Depeyster and Samuell Staats Esq^{rs} be a Committee to draw up a scheam of fees for the Collector and Navall Officer of this province, and for the Secretary for passes, and make their Report to this house to morrow morning.

Adjourned till to morrow morning.

At a Councell held at ffort W^m Henry the Second day of May, 1699.

PRESENT —

His Excellency RICHARD Earle of BELLOMONT, &c.,

Captain JOHN NANFAN, Lieutenant Governor,

WILLIAM SMITH, }
ABRA: DEPEYSTER, } Esq^{rs}
ROBERT LIVINGSTON, }

SAMUELL STAATS, }
ROBERT WALTERS, } Esq^{rs}

The Scheam of fees drawn up by the persons appointed thereunto were Read and approved of.

Coll^o William Smith Chairman of the Committee to whom the Bill for settling the Estate of Jacob Milburne Esq^r deceased was Comitted does Report to his Excellency and this hon^oble house, that the said Bill do passe without any amendment. Which was Read the Third time and passed accordingly.

Upon further consideration of the Adresse of the house of Representatives to this house with the petitions thereunto annexed, It is

Resolved, that the petitions of Jacob Leisler, Gerbrant Claese and Robert Evernden and Anne his wife being matters which never have been tryed in the Courts of Law or Equity of this province, it is wholly unpresidentiall for this house to Intermeddle therein. And

Resolved, that the matter Contained in the petition of Andry Wandall be Considered of on ffriday next, being the fifth Instant, at Eight of the Clock in the morning, and all persons Concerned are hereby directed to appeare at the same time with their Evedences, and the Clerk of this house is hereby directed on Request to Issue out sumons's to the parties concerned and Evedences to appeare before this house at the same time.

Adjourned till to morrow morning.

At a Councill held at ffort W^m Henry this 3^d of May, 1699.

PRESENT —

His Excellency RICHARD Earle of BELLOMONT, &c.,

Captain JOHN NANFAN, Lieutenant Governor,

WILLIAM SMITH, }
ROBERT LIVINGSTON, } Esq^{rs}

SAMUELL STAATS, }
ROBERT WALTERS, } Esq^{rs}

That upon a Complaint and Supplication made by Coll^o Abraham Depeyster setting forth to this house that a Certain ship called the ffortune, legally condemned in the Court of Admiralty of this province for trading thereinto being fforreigne built, and was bought by him the said Coll^o Depeyster of the King at a publick sale suposing, as he was then Informed, that being soe condemned she was Qualified to trade as if English or plantation built, which he is since given to understand may not be allowed of unlesse she can have some further Qualification, and he having paid to his Majesty a valuable sune of money for her, and since been at very considerable charge and Expense in Repairing and fitting her for sea, does humbly pray the Advice and Direction of this house, that some Expedient may be found the premises considered that the said vessell may be capacitated by some Act of Generall Assembly to trade to and from this port.

His Excellency and this house having maturely considered of the same, do order that this matter be Recommended to the house of Representatives of this province, Convened in Generall Assembly, if by any Act that can be made in the Assembly of this province now setting (not contrary or Repugnant to the Laws of England) the said Coll^o Abraham Depeyster may be Releived in the case aforesaid. And

Ordered, that Robert Livingston Esq^r doe carry the above minute to the house of Representatives.

Adjourned till to morrow morning.

At a Councill held at ffort W^m Henry the 4th day of May, 1699.

PRESENT —

His Excellency RICHARD Earle of BELLOMONT, &c.,

Captain JOHN NANFAN, Lieutenant Governor,

WILLIAM SMITH, }
ABRAHAM DEPEYSTER, } Esq^{rs}
ROBERT LIVINGSTON, }

SAMUELL STAATS, }
ROBERT WALTERS, } Esq^{rs}

His Excellency brought into this house four Bills which were sent yesterday from the house of Representatives to this house after this house had rose vizt.

A Bill for Raising an Additionall duty for the Defraying the Debts of the Government;

A Bill for preventing of ffrauds and Imbezillments of Drift Whales and other Royall fishes that of Right doe belong to his Majesty and for the Incouragment of Whale ffishing within this province of New York;

A Bill for preventing of Tresspasses;

A Bill for granting unto his Majesty the sune of Two thousand pounds, 1500£ whereof to be allowed unto his Excellency Richard Earle of Bellomont and 500£ unto Captain John Nanfan Lieutenant Governor.

The above four Bills Read the first and second time and Comitted to Coll^o William Smith, Coll^o Abraham Depeyster, Robert Livingston, Samucll Staats and Robert Walters Esq^{rs}.

A M^{ss}age from the house of Representatives by Mathew Howell and Daniell Whitehead, Esq^{rs} with the Bill for Reviving An Act of Assembly Expired by its own Limitation Intituled, An Act for the Regulating the Reteining Attorneys at Law, And the Bill for the Settlement and Support of Ministers and Schoolmasters and Building and Repairing Meeting houses within this province.

The petition of Robert Livingston Esq^r read and Recomend^d by his Excellency and Councell to the Consideration of the Assembly and

Ordered, that Coll^o Abraham Depeyster do Carry the said petition to the said house.

Adjourned till to morrow morning.

At a Councell held at ffort W^m Henry, this 5th day of May, 1699.

PRESENT —

His Excellency RICHARD Earle of BELLOMONT, &c.,

Captain JOHN NANFAN, Lieutenant Governor,

WILLIAM SMITH,
ABRAHAM DEPEYSTER, } Esq^{rs}
ROBERT LIVINGSTON, }

SAMUELL STAATS, } Esq^{rs}
ROBERT WALTERS, }

Coll^o William Smith Cheif Justice of this province and Chairman of the Comittee to whome the four Bills read yesterday in this house were Referred does Report to this hon^oble house, That the Bill for Raising an Additionall duty &c The Bill for preventing of tresspasses and the Bill for granting unto his Majesty the sume of Two thousand pounds &c doe passe without any amendment, And the said Comittee doe desire that the Bill for preventing frauds and Imbezilments of Drift Whales and other Royall fishes &c be Referred till further consideration; Which they humbly submitt to his Excellency and this hon^oble house. The said Report Read and approved of.

Ordered, that Coll^o William Smith, Coll^o Abraham Depeyster, Robert Livingston, Sam^l Staats and Robert Walters Esq^{rs} or any three of them do draw up a Bill to prevent frauds and Imbezilments in Drift Whales and other Royall fishes &c and that they take the Attorney Generall to their Assistance

The Bill for granting unto his Majestie the sume of £2000 &c

The Bill for preventing of Tresspasses.

And the Bill for Raising an Additionall duty Read the third time and passed this house.

Coll^o Smith ordered to give the List of the fees of the Customhouse Officers &c to the Speaker of the house of Representatives.

The consideration of the petition of Andry Wandall is hereby Referred to be considered of on Munday morning next at ten of the Clock and Sumons's to Issue according to the Directions Contained in the minute of this house of the second Instant.

The Bill for settling and Supporting of Ministers &c Read the first time.

A message from the house of Representatives by Jacob Rutsen, Johannes Bleecker and Haesbrooke Esq^{rs} with a Bill for Regulating the flences in Ulster County.

A Bill for Continuing the Act for Encouraging the *post office* two yeares longer after the Expiration of the last act made for Continuance of the same.

A Bill for the Regulating the Elections of Representatives in Generall Assembly in each Respective City and County within this province.

And the Answer of the house of Representatives to the Message sent to them about the ship flortune, which Answer was ordered to be entred in the minutes and followeth *in hæc verba*. vizt.

The humble Answer of the house of Representatives to the Message sent down by his Excellency and Councell concerning the supplication of Coll^o Depeyster Relating to the Ship flortune.

The Representatives having duly Considered the Message, are of opinion, that the Laws of England, have soe Restrained the plantations that it cannot be in the power of any plantation to make any floreign built ship free, but humbly Conceive, that in Reguard Coll^o Depeyster did purchase the said ship flortune of the King at a publick sale, and having upon that publick flaitth disbursed a Considerable sum of money to make the said vessell fitt to go to sea, that either he ought to be Repayd by the King the sum of money he has soe disbursed, or permitted to take some provision or Lumber aboard the said vessell and navigate her to some other port where she may be Lawfully sold without any seizure or florfeiture by any officer in this Government. Which is humbly submitted.

By order of the house of Representatives.

JA: GRAHAM, Speaker.

Adjourned till to morrow morning.

At a Councell held at ffort William Henry, this 6th Day of May, 1699.

PRESENT —

His Excellency RICHARD Earle of BELLOMONT, &c.,

Captain JOHN NANFAN, Lieutenant Governor,

STEPHEN CORTLANDT, }
WILLIAM SMITH, } Esq^r
ABRA : DEPEYSTER, }

ROBERT LIVINGSTON, }
SAMUELL STAATS, } Esq^r
ROBERT WALTERS, }

The Bill for Settlement and Support of Ministers &c Read the second time.

The Bill for Reviving the Act for Regulating the Retaining Attorneys at Law &c

The Bill for Regulating the ffences in Ulster County.

The Bill for Continuing the Act for Encouraging the *post office* &c

And the Bill for Regulating the Elections of Representatives &c Read the first and second time; and Committed to the whole house.

His Excellency produced his Instructions from the Lords Justices of England Dated the tenth day of November 1695, whereby he is directed to use all legall meanes for the Breaking of Extravagant Grants of Lands and Desired that the Gentlemen of this house would joyne with him in the ordering the Attorney Generall to draw up a Bill for the Breaking the same, and particularly named Coll^o Bayards Grant, Domine Dellius's two grants, Captain Evans's two grants; the Church Lease, and Coll^o Heathcotes two grants; And the Gentlemen of the Councell Consented, that a Bill be ordered to be prepared and offered to the Consideration of this house by Mr Attorney Generall for Vacating the aforesaid grants, and his Excellency moved that there be a Clause Inserted in the Body of the Bill to prevent the Governor or Comander in Cheif of this province for the time being from Alienating Nutton Island, the Kings ffirm, the Kings Garden, and the swamp at ffish Water as being the Demesne belonging to the Kings Governor for the time being.

Adjourned till Munday morning.

At a Councell held at ffort W^m Henry, this 8th day of May, 1699.

PRESENT —

His Excellency RICHARD Earle of BELLOMONT, &c.,

Captain JOHN NANFAN, Lieutenant Governor,

STEPHEN CORTLANDT, }
WILLIAM SMITH, } Esq^r
ABRA : DEPEYSTER, }

ROBERT LIVINGSTON, }
SAMUELL STAATS, } Esq^r
ROBERT WALTERS, }

The Bill for vacating, Breaking and Annulling severall Extravagant Grants of Land made by Coll^o ffletcher late Governor of this Province under his Majesty (being drawn up by the Attorney Generall and brought to this house) Read the first time and ordered a second Reading on Thursday morning next, and all persons Concerned to have notice to appeare at nine of the Clock the said Day in the morning.

^{Andry Wandall}
^{Richard Alsopp} The parties Concerned appeared, and the petition with the Addresse of the house of Representatives to this house and orders thereon, together with the last will and Testament of Thomas Wandall Read. The matter argued, and Referred to be Considered of till to morrow morning, and in the meane time Coll^o William Smith Cheif Justice is directed by this house to take the Affidavits of all Witnesses in the premises.

Adjourned till six of the Clock afternoone.

Post Meridiem.

PRESENT —

His Excellency RICHARD Earle of BELLOMONT, &c.,

Captain JOHN NANFAN, Lieutenant Governor,

STEPHEN CORTLANDT, }
WILLIAM SMITH, } Esq^r
ABRA : DEPEYSTER, }

SAMUEL STAATS, }
ROBERT WALTERS, } Esq^r

Coll^o William Smith Chairman of the Comittee of Councell to whose Inspection the Bill for Reviving an Act of Assembly for Regulating Attorneys at Law &c and the Bill for Regulating Elections of Representatives &c does Report to this honöble House that the said Bills doe passe without any Amendment.

The said two Bills Read the Third time and passed this house.

The petition of Richard Alsop read, and the matter Contained therein Referred till Thursday morning.

His Lordship on the petition of the Inhabitants of Queen street in the City of New York having with severall of the members of his Majesties Conncell viewed that part of the said City in order to the appointing a Convenient place at that end of the said City, for the Importing and Exporting Goods and Merchandizes, acquaints the Conncell that he is of opinion that the Slip at the mouth of Maiden Lane in Queens Street aforesaid is the most Convenient place at that end of the said City, which the Gentlemen of the Conncell approve of. It is therefore

Ordered, that all person and persons Importing or Exporting any Goods Wares or Merchandizes into or out of this Province may for the time to Come ship of or Land the same at the mouth of the said slip in like manner as they formerly have done at the Custom house wharf. And

Ordered, a patent issue for the same.

Adjourned till Wednesday morning.

At a Councill held at ffort W^m Henry, 10th May, 1699.

PRESENT—

His Excellency RICHARD Earle of BELLOMONT,

Captain JOHN NANFAN, Lieutenant Governor,

STEPHEN CORTLANDT, }
WILLIAM SMITH, } Esq^{rs}
ABRA : DEPEYSTER, }

ROBERT LIVINGSTON, }
SAMUELL STAATS, } Esq^{rs}
ROBERT WALTERS, }

The Bill for preventing ffrauds and Imbezilments and for the better Regulating and securing his Majesties and his subjects Just Right to all Drift Whales and other Royall fishes, that shall be cast on shoare or found floating on the sea Coasts of this Province, being drawn up by the Committee appointed thereunto was brought into this house.

The said Bill being Read the first second and third time is passed this house and

Ordered, the same be Carried to the house of Representatives for their Assent.

That on the Receipt of a Message from the house of Representatives Relating to the Establishment of Certain fees, in a schedule to the same annexed, his Excellency and Councell having maturely Considered the same and such Instructions as his Excellency hath from his Majesty relating to the settlement of fees, for answer to the said message do say, That as to that part Relating to a post Entry Coll^o Stephen Cortlandt one of the Comissioners of the Custom-house, who is hereby ordered to carry this message to the house of Representatives, will Explain and make Clear to them the meaning and use of that Article. And that, as to the two Certificates, observed to be given, both from his Majesties Custom-house, and the Navall officer Coll^o Cortlandt Informs his Excellency and this house, that they are two Different things, and will Explain that also. That as to the Schedule of the said fees his Excellency and Councell are of opinion, that it will be a due Deference paid to his Majesty that the said Schedule of fees should be continued untill his Majesties pleasure should be further known. But that his Excellency and Councell will forthwith order and Establish That no other fees shall be taken by the officers and for the uses aforesaid, than such fees as are soe Contained in the Schedule sent up to this house, and that whatever officer shall presume on any pretence whatsoever, to take any more or other fees, than such as are soe settled, shall forthwith loose and be Dismissed from his Employment. His Excellency and Councell do therefore think fitt that the last part of the Revenue Bill relating to fees only be wholly left out of the said Bill.

William Smith Esq^r Chief Justice of this province and Chairman of the Committee to whome the Consideration of severall Bills were Comitted does Report to this honöble house :

That as to the Bill for Settlement and Support of Ministers and Schoollmasters &c his Excellency the Governor having been pleased to Communicate unto us his Instructions R-lating to the Settlement of Religion in this province, we are humbly of opinion that by the said Instructions your Excellency ought not to passe the said Bill. But we doe humbly offer the Reasonableness and our Readynesse to Joyn with the Representatives of this province in an Adresse to your Excellency humbly to Represent to his most Sacred Majtie the State and condition of this province, as to the matters in the said Bill contained, and that his Majesty of his Great piety and wonted Clemency would be graciously pleased to allow untill some better order can be in this province had for the Settlement of a more orthodox Ministry. That such Ministers of the Presbiterian and Independent Congregations as are already settled in the severall Towns of this province may be continued and maintained according to such agreement as hath been made by the major part of the people of such Towns and that all the Inhabitants within the bounds of such Towns may be equally and Justly Assessed according to their severall Estates for and towards the payment and Support of such Ministry, and that such other Towns who are well able to maintain a Minister and have none within this Province may be Incouraged and obliged to Establish and Ascertain a maintenance, and use their Endeavours

to get Ministers, that Gods word may be preached and his Ordinances practized amongst us, and that Churches, Schooll and parsonage-houses may be built and Repaired throughout this province Which is humbly submitted.

That the Bill for Continuing the *post office* doe passe without any Amendment.

That the Bill for Regulating ffences in Ulster County the Reason of it is not Cleare to us, and we are of opinion the parties at whose prayer it is made doe Explain the Consequence thereof to this house.

The Bill for Continuing the *post office* Read the Third time and passed.

Adjourned till six afternoone

Post Meridiem.

PRESENT —

His Excell RICH^d Earle of BELLOMONT,
Captain JOHN NANFAN Lt Gov^r

WILLIAM SMITH,
ABRAHAM DEPEYSTER, } Esq^{rs}
ROB^t LIVINGSTON,

SAMUEL STAATS, } Esq^{rs}
ROBERT WALTERS, }

The petition of Richard Alsop Read and

Ordered, he have further time till ffryday morning

The Bill for Enabling the City of New York to pay their debts and repair their publick buildings &c and the Bill for Enabling the City and County of Albany to Defray their necessary charge brought into this house by his Excellency, being Delivered to him by the members of the house of Representatives appointed thereunto after this house was Risen, were read the first and second time and Comitted to Coll^o William Smith, Coll^o Abraham Depeyster, Robert Livingston, Samuell Staats and Robert Walters Esq^{rs} or any three of them.

Ordered, that Samuell Staats and Robert Walters Esq^{rs} doe carry the above Bill for preventing of ffrauds and Imbezillments in Drift Whales to the Assembly (Coll^o Cortlandt being taken ill since the morning.

The petitions of Jacob Mauritz and Johannes Provoost Read and Referred to the Consideration of the house of Representatives.

Adjourned till to morrow morning.

At a Councill held at ffort W^m Henry this 11th May, 1699.

PRESENT —

His Excellency RICHARD Earle of BELLOMONT, &c.,
Captain JOHN NANFAN, Lieutenant Governor,

STEPHEN CORTLANDT, }
WILLIAM SMITH, } Esq^{rs}
ABRAHAM DEPEYSTER, }

ROBERT LIVINGSTON, }
SAMUELL STAATS, } Esq^{rs}
ROBERT WALTERS, }

Abraham Gouverneur, Johannes Depeyster Esq^{rs} and severall other of the Gentlemen of the Assembly to the number of Twelve, appeared before this house, and delivered to his Excellency the humble Adresse of the house of Representatives to his Majesty (which was Read) and Desired that his Excellency would please to accept of the Dutifull and Loyall Affections of the Representatives of this province expressed in the said Adresse unto his Most Sacred Majesty, and would please to transmitt the same unto his Royall hands, Assuring this house that they would joyn with them in all things which might contribute to the glory and Renown of his Most Sacred Majesty.

His Excellency thanked them for their Loyalty to the King, and promised them to transmitt the said Adresse to his Majesty by the first oppertunity.

Coll^o William Smith Chairman of the Committee to whose Inspection the Bills for Enabling the City and County of Albany to Defray their necessary charge, and the Bill for Enabling the City and County of New York to pay their debts and to Erect and Repaire their publick buildings does Report to this honoble house.

That the Bill for Enabling the City and County of Albany &c doe passe without any Amendment. But that the Bill for Enabling the City and County of New York &c ought not to passe without some Amendment, and an estimate of their debts and what money will be necessary to be Raised for the publick works within this City. That for the house at the fferry we are humbly of opinion it ought to be built out of the Income arising by the same. That as to the City-hall an Estimate ought to be made of what the Charge thereof may be sposed to amount to, together with a List of their debts, and that power be given according to the Clause in the said Bill Contained for Assessing the same on the said City, for the Levying of such a sume certain P^{e} annu as may be thought necessary to answer those ends untill the same be Completed.

The Bill for Vacating Extravagant Grants &c Read the second time.

The Bill for Enabling the City and County of Albany &c Read the third time and passed.

Adjourned till to morrow morning.

At a Council held at ffort W^m Henry, this 12th May, 1699.

PRESENT —

His Excellency RICHARD Earle of BELLOMONT, &c.,

Captain JOHN NANFAN, Lieutenant Governor,

WILLIAM SMITH, }
ABRA : DEPEYSTER, } Esq^{rs}
ROB^t LIVINGSTON, }

SAMUELL STAATS, }
ROBERT WALTERS, } Esq^{rs}

The Bill for Vacating Extravagant Grants &c Read the third time and passed.

Ordered, that the same be sent down to the Lower house, and Samuell Staats and Robert Walters Esq^{rs} are hereby ordered to carry the same, and the said persons are desired to putt the said house of Representatives in mind of the petition of Robert Livingston Esq^r referred to them by this house.

The Bill for preventing Desertions of Souldiers, &c., Read the first second and Third time and passed this house.

Ordered, the same be carryed down to the Lower house by the persons abovementioned.

A Message from the house of Representatives by Mathew Howell and Daniell Whithead Esq^{rs} with A Bill to Enable the Respective Towns within this province to build and Repaire their meeting houses and other publick buildings.

The sd Bill Read the first and second time and Comitted to Coll^o William Smith, Samuell Staats and Robert Walters Esq^{rs}.

Wandall
et
Alsopp

At the Request of the said Alsop the matter Referred till to morrow morning.

Coll^o William Smith Cheif Justice of this province and Chairman of the Committee to whom the Bill for Establishing Courts of Judicature &c was Comitted does Report to this hon^{ble} house.

That the said Bill has a Clause in it that Constitutes a Supreme Court of Judicature in every City and County of this province, and we are humbly of opinion that the said Establishment in the said Clause mentioned, is altogether Impracticable and Repugnant to the Com^{on} and Statute Law of England that have Relation to the settlement of such Courts; that the same would be an Incroachment upon the Kings prerogative and would Divest the Subject of the means of maintaining and securing his Just Rights and Imunities, which particular statutes and authorities of Law we are Ready to produce if soe Required to Justifie this our opinion, for which Reason we think the said Bill ought not to passe; which is humbly submitted.

A Message from the Assembly by Leonard Lewis and Abraham Gouverneur Esq^{rs} with the Bill for preventing those souldiers listed in his Majesties service from Deserting &c and the Bill for Enabling the City of New York to pay their debts &c and acquaints this house that the house of Representatives are humbly of opinion that the said Bill ought to passe without any amendment.

The said persons alsoe layd before this house the Adresse of the house of Representatives on the petition of the Inhabitants of Hempstead.

Adjourned till to morrow morning.

At A Council held at ffort William Henry, this 13th day of May, 1699.

PRESENT —

His Excellency RICHARD Earle of BELLOMONT, &c.,

Captain JOHN NANFAN, Lieutenant Governor,

STEPHEN CORTLANDT, }
WILLIAM SMITH, } Esq^{rs}
ABRAHAM DEPEYSTER, }

ROBERT LIVINGSTON, }
SAMUELL STAATS, } Esq^{rs}
ROBERT WALTERS, }

A Message from the house of Representatives by Abraham Gouverneur and Hendrick Hansen Esq^{rs} with the Bill for Vacating Extravant (*sic*) Grants &c the said Bill being passed the house of Representatives with the following Amendments which were read and Assented to by this house (*vizt*)

Page: the first line the Twenty Eighth, add, That it having appeared before the house of Representatives now Convened in Generall Assembly that M^r Godfrey Dellius had been a

principall Instrument in deluding the *Mohaque* Indians, and Illegall and surreptitious obtaining of the said Grant, That he ought to be and is hereby suspended from the Exercise of his Ministeriall function in the City and County of Albany. That a provisoe be added saving unto the City of New York the Rights they have to the frish Water, and Lands to low water mark behind the Kings Garden.

The Conneill on both sides appeared this day and the matter again fully heard and Debated on both sides, the will of Thomas Wandall and the Depositions taken by both parties before William Smith Esq^r Chief Justice, Read. The judgment given by the Supreme Court against the said Wandall, and the Affirmation thereof before the Governor and Council of this province REVERSED, and ordered, that she be Restored to her possession of the Land Recovered of her by the said Judgment, as if no such Judgment had ever passed against her.

Coll^o William Smith Chairman of the Committee to whose Inspection the Bill for enabling the Respective Towns &c was Comitted does Report that the same do passe without any amendm^t.

The said Bill Read the Third time and passed this house.

His Excellency Informs this house that he admires that the house of Representatives pay soe little Deference to his Majesties order in Conneill concerning a debt due to M^r Livingston of Three hundred Eighty Eight pounds Eight shillings and seven pence. That he thought it his duty to Repeat the Recommendation of that matter to them, and again to desire them to take the same into their Consideration.

The Gentlemen of the Council approve thereof.

Adjourned till Munday morning.

At A Council held at ffort W^m Henry, this 15th day of May, 1699.

PRESENT —

His Excellency RICHARD Earle of BELLOMONT, &c.,

Captain JOHN NANFAN, Lieutenant Governor,

STEPH: CORTLANDT, }
WILLIAM SMITH, } Esq^{rs}
ABRA: DEPEYSTER, }

ROB^t LIVINGSTON, }
SAMUELL STAATS, } Esq^{rs}
ROBERT WALTERS, }

A Message to the house of Representatives by the Clerk of the Council Requiring the Speaker and the whole house to attend his Excellency and Council Immediately at the ffort.

The Clerk of the Council Returned and Reported that the Speaker had left the Chair and would with the whole house Immediately attend his Lordship in Council.

The Speaker and house of Representatives being present his Excellency Informed them that by his Majesties order which he produced, Dated the tenth day of November 1698, his Majesty is pleased to Constitute and appoint James Graham Esq^r amongst other persons therein named to be sworn of his Majesties Council of this province, and his Excellency being suddenly to depart from hence in order to Repair to his other Governments he thought it Expedient to Comply with his Majesties said order, and the said James Graham Esq^r being Speaker of the house of Representatives, his Excellency desired that they would proceed to the election of another Speaker, and that they would attend his Excellency and Council at five of the Clock in the afternoone and present their Speaker.

The said James Graham Esq^r took the oaths appointed instead of the oaths of Allegiance and Supremacy and Subscribed the Test and Association and like took the oath of a privy Councillour of this province.

The Clerk of the Council Layd before this house, the Act for Continuing the *post office*, the Message of Council about the flees annexed to the Revenue Bill and an order of the house of Representatives thereon together with the petition of John Marsh, and the Adresse of the house of Representatives to his Excellency and Council on the said petition, the same being Delivered to him by the Speaker of the house of Representatives.

The Bill for granting unto his Majesty severall Duties for Defraying the publick Charge of the Government after &c Read the Third time and passed; The house of Representatives having Consented that the last part Relating to flees only be left out.

The petition of John Marsh and the Adresse of the house of Representatives thereon Read and Deferred to further Consideration.

The publick accounts of the Revenue being on the Eighth Instant Referred to Coll^o Abraham Depeyster and others to be auditted and the said Coll^o Depeyster alleaging that his affairs at present call him from the City of New York. It is

Ordered, that James Graham Esq^r supply his Room in auditting the said accounts.

Adjourned till three afternoone.

Post Meridiem

PRESENTIBUS—

Eisdem and JAMES GRAHAM Esq^r

The house of Representatives presented Abraham Gouverneur their Speaker to his Excellency and Council and Desired his Excellencies approbation.

The Speaker made a modest Apology.

His Lordship Confirmed their choice.

The Speaker desired his Excellencies Confirmation of their Rights and priviledges as his Excellency had promised in the Beginning of this Session.

Which his Lordship granted to them and ordered them to attend himselfe and Council to morrow morning at Eight of the Clock

Whereas Richard floyd Junior of the Town of Brookhaven in the County of Suffolk on the Island Nassau hath during the sitting of this present Assembly, in Contempt of his Majesties Authority and in Derogation of his Majesties Right to all Drift Whales, not knowing the claymer and without any power or direction from any person pretending to have killed any such Whale, Imployed Sundry persons to cutt up and Carry away a Certain Drift Whale which came on shoare within the mannor of Saint Georges in the said County, and by undue practices hath Endeavoured to hide and Conceale the same from such persons as he well knew were Impowered on his Majesties behalfe.

That upon due notice Given to his Excellency and the upper house, of this present Assembly in Justification of his Majesties Right, as well as that His Majesties subjects might not be defrauded of their Just Claims to any such fish they did by warrant from this house Cause the same to be seized and put into the hands of the person Imployed as aforesaid to have the Care and Inspection of his Majesties Right and Interest as aforesaid.

It is therefore ordered and Decreed That the produce of the said Whale now in the Custody of the person Impowered to Inspect and Secure his Majesties Right on that part of the sea Coast where the said Whale stranded on due proof of the property thereto made by any of his Majesties subjects within this province within one month after the date hereof (which the person soe Impowered on his Majesties behalfe is hereby Invested with a Right to heare and Determine. That in such case, such part thereof as was lately agreed by Samuell Mulford to be allowed to Richard Richard (*sic*) floyd for trying and securing the same be allowed to the person soe Impowered on his Majesties behalfe as aforesaid for his Trouble in trying saving and securing the same which agreement soe made by the said Mulford is hereby declared to be null voyd and of none effect, and that all the Bone and the Remainder of the said Oyle upon such claime and proof made as aforesaid be delivered unto the person or persons who shall appeare to have Just Right to the same. And if no person or persons shall appear making claime thereof, within one month from the date hereof as aforesaid, that in such Case the person in whose Custody the produce of said Whale Remains be and is hereby Impowered and Directed to send such part of the Oyle and all the Bone aforesaid as should and is hereby directed to be Delivered to the Claimer proving his Right to the same with all convenient speed unto his Majesties Receiver General at New York, who is hereby Required to Receive the same, and to pay such Charge as shall acerne for its transportation from where it now is, and if noe person shall make any claime unto the same in three months after the same shall be in the Receiver Generalls hands and possession, that then the same shall be by him sold and disposed of to the use of our said Sovereign Lord the King.

A Message from the Assembly by David Provoost, Leonard Lewis, Cornelius Sebran van Brunt, Ryer Schermerhoorn and Veight Esq^{rs} presenting to his Excellency the petition and Remonstrance of the house of Representatives as also the Adresse of the said house upon the petitions of Jacob Mauritz and Johannes Provoost.

Adjourned till to morrow morning.

At a Councill held at ffort W^m Henry this 16th Day of May, 1699.

PRESENT—

His Excellency RICHARD Earle of BELLOMONT, &c.,

Captain JOHN NANFAN, Lieutenant Governor,

STEPH. CORTLANDT, }
WILLIAM SMITH, } Esq^{rs}
JAMES GRAHAM, }

ABRA: DEPEYSTER, }
ROBERT LIVINGSTON, } Esq^{rs}
SAMUELL STAATS, }
ROBERT WALTERS, }

The Bill for Enabling the City and County of New York to pay their debts &c Read the Third time and passed.

His Lordship according to the usuall form of passing Bills into Acts in this province in the presence of this house did sign the following Bills. Enacting them and ordering them to be Enrolled under the seal of the province, vizt

A Bill for Indempnifying all such persons as were Excepted out of the Generall pardon made by Act of Generall Assembly in the year 1691.

A Bill for Repealing an Act of Assembly Intituled an Act for the Regulating damages done in the time of the late disorders &c

A Bill for the Regulating and Returning able and Sufficent Jurors in Tryalls at Law.

A Bill for the Restraining and punishing privateers and pirats.

A Bill for preventing Vexations Suits and Settling and Quieting the minds of his Majesties peaceable subjects within this province.

An Act for settling the Estate of Jacob Milburne Esq^r deceased.

A Bill for preventing of Trespasses.

A Bill for the Raising of an Additionall duty for the defraying the débts of the Government.

A Bill for granting unto his Majesty the sume of £2000 &c.

A Bill for the Regulating Elections of Representatives &c.

A Bill for Reviving an Act for Regulating the Reteining Attorneys at Law.

A Bill for Continuing the Act for Encouraging the *post office* two yeares longer after the Expiration of the last Act for Continuance thereof.

A Bill to Enable the City and County of Albany to Defray their necessary Charge.

A Bill for vacating breaking and Annulling severall Extravagant Grants of Land made by Coll^o Fletcher late Governor of this province &c

A Bill for preventing souldiers Listed in his Majesties service in this province of New York, from deserting his Majties said service.

A Bill to Enable the Respective Towns within this province to build and Repair their meeting houses and other publick Buildings.

A Bill for granting unto his Majesty severall Duties for the defraying the publick charge of the Government after the time Limited &c.

A Bill for the Enabling the City of New York to pay their debts & to Erect and Repair their publick buildings and Defray their necessary charge.

The Speaker with the whole house of Representatives of this province pursuant to his Lordships orders yesterday to them, attending his Excellency and Councill, his Excellency acquainted them that he had passed severall Laws during the Sessions of this present Assembly, and ordered the Clerk of this house to Read the titles thereof. Which being done his Excellency said :

Gentlemen,

I thank you for the Testimony you have given of your duty and good Affection to the King in Continuing the Revenue and for all the other public Laws that have passed this Session.

I alsoe thank you for the kindnesse and Respect you have showed my selfe on all occasions, I am only Troubled that the Length of the Session has been such as will occasion an Increase of Charge to the Country, but you can all bear me Witnesse the fault of it is not Imputable to me, for I have done all that became me to dispatch businesse as it Came before me.

I could wish you had thought of a Bill to Reconcile parties 'tis what I expected from you, and since you have omitted it, I Earnestly Recomend to you, that you will now at your going home into your Respective countries, putt all Lawfull means in practice to preserve the Kings peace, and not only soe, but that you also use the most effectuall means to perswade your neighbours to peace and Intire Reconciliation with one another, which is a duty they ow to God, and will be pleasing to the King, who as a true flather of his people, Loves their prosperity and happiness which Consists cheifly in a perfect good understanding and union among themselves.

Then his Excellency prorogued the Assembly to the twentieth day of September next, and acquainted them of his Intention to publish the Laws passed this Session at the City hall Immediately.

SECOND ASSEMBLY SECOND SESSIONS.

At a Council held at ffort W^m Henry this 25th July, 1700.

PRESENT —

His Excellency RICHARD Earle of BELLOMONT, &c.,

STEPHEN CORTLANDT, }
ABRA: DEPEYSTER, } Esq^r
JAMES GRAHAM, }

SAMUELL STAATS, }
ROBERT LIVINGSTON, } Esq^r
ROBERT WALTERS, }

Ordered, that the Clerk of the Council do acquaint the house of Representatives that his Excellency and Council are of opinion that in Consideration that the Representatives of severall of the Counties of this province not being yet come to Town, the house should adjourn themselves to ten of the Clock to morrow morning.

At a Council held at ffort William Henry this 26th day of July, 1700.

PRESENT —

As yesterday.

His Excellency adjourned the house of Representatives till to morrow morning ten of the Clock, and sent the Clark of the Council to acquaint the said house therewith, which he did accordingly.

At a Council held at ffort William Henry this 29th day of July, 1700.

PRESENT —

As on the six and Twentieth Instant.

His Excellency ordered the Clerk of the Council to acquaint the house of Representatives, that he desired their attendance at the ffort Immediately. Which was done. And the Speaker with the house of Representatives being present his Excellency said :

Gentlemen,

Speech.

I thought a Sessions of the Generall Assembly absolutely necessary at this time, that you might advise such measures as will best secure the five nations of Indians in their obedience to the Crown, which all of you know is of the last consequence to this and all the rest of the English plantations in America. Our neighbours of Canada know the value of the five nations to us, and therefore with Indefatigable pains are every day seducing them from us by their Jesuits; and 'tis said that such of them as will not be seduced are many of them taken off by poyson.

The proper Remedies against these growing mischiefs the Indians themselves have chaulked out to us. They have often pressed me with great Instance that they may have protestant ministers to Instruct 'm in the Christian Religion, and a ffort to cover 'm from the Incursions of the french and their Indians. I hope their will be a way found out to furnish them with Ministers from England, but for a ffort that belongs to you to provide. I am allwayes very tender of Engaging you in things of Expense, but the building a ffort to secure the Indians and satisfie them, is such an Expense, as I beleive every man of you will think Indispensably necessary, and that it should be built also out of hand that the Indians may be Encouraged by seeing there's care taken for their protection.

Gentlemen of the house of Representatives,

I hope there needs no other Argument than that I have now offerred to Quicken you to the giving such a supply as may build a ffort in the most Convenient part of the country for defence of the five Nations. You need not be told how much the honor and Interest of the Crown, and your own private Interest are Ingaged in the right managment and preservation of those Indians, and you cannot give the King a better Testimony of your duty and Affection to his Majesties person and government than by a cheerfull Compliance with what has been now proposed to you. I would offer to you the passing some necessary Laws, but that I consider 'tis harvest time, and I will give us short an Interruption to your countrey affaires as I can, besides, I have appointed a meeting and Conference with the Sachms of the five Nations next week at Albany which I intend accordingly to perform.

The Speaker desired a copy of his Excellencies speech, which was given to him and withdrew.

Adjourned till to morrow morning ten of the Clock.

30th July 1700. His Excellency ordered the messenger of the Council to acquaint the members of this board that by reason of his Indisposition he had adjourned the Council till to morrow morning ten of the Clock.

At a Council held at ffort W^m Henry this 31th July, 1700.

PRESENT—

His Excellency RICHARD Earle of BELLOMONT, &c.,

STEPHEN CORTLANDT, }
WILLIAM SMITH, } Esq^{rs}
ABRAHAM DEPEYSTER, }

SAMUELL STAATS, }
ROBERT LIVINGSTON, } Esq^{rs}
ROBERT WALTERS, }

John Marsh.

Ordered, that the petition of John Marsh be Referred to Coll^o William Smith Coll^o Abraham Depeyster Samuell Staats Robert Livingston and Robert Walters Esq^{rs} who are to consider of the merritts thereof, and to report what they shall have done therein.

Ordered, that Coll^o William, Smith Coll^o Abraham Depeyster, Samuell Staats, Robert Livingston and Robert Walters Esq^{rs} be a Committee of the Council to confer with a Committee of the Assembly about that part of his Excellencies speech Relating to the building a ffort for securing the five Nations of Indians and that they meett and sitt at three of the Clock in the afternoon at the house of M^{rs} Davies.

Adjourned till to morrow morning ten of the Clock.

1st Day of August 1700. His Excellency by reason of his Indisposition adjourned the Council till to morrow morning ten of the Clock.

At a Council held at ffort W^m Henry this Second day of August, 1700.

PRESENT—

As on the one and Thirtieth day of July last.

His Excellency layd before this board a Bill for Regulating of ffences in Ulster county delivered to him by a Committee of the house of Representatives appointed for that purpose, which was read the first time.

Coll^o William Smith Chairman of the Committee of the Council appointed to Confer with the Committee of the Assembly about that part of his Excellencies Speech relating to the building a ffort for securing the five nations of Indians does Report to this honorable Board that the Committee from the house of Representatives, seem not to be satisfied of the necessity of erecting such a ffort, as his Excellency has mentioned in his speech to them and do offer for reasons the Remoteness of the place where they suppose it may be Designed, the great Difficulty of sending men and other materials necessary for such a work, and that both the Charge of building of it, Garrisoning of it, and victualling of it will be very great. That it will be near the Lake from whence the ffrench of Canada may come by water, and that if such a ffort in time of warr should by Treachery or Surprise be possessed by the ffrench it would be of very ill Consequence to this province. That if it shall be supposed for his Majesties service and the security of this province that such a ffortification be erected, they pray their house may be acquainted, what kind of ffortification is designed, of what materials it is to be made, how it is to be garrisoned and maintained, and that a computation of the Charge of Building of it may be made and layd before their house.

Post Meridiem.

PRESENTIBUS—

Eisdem.

His Excellency ordered the Clerk of the Council to acquaint the house of Representatives that he desired their attendance Immediately at the ffort, Which was done, and the Speaker with the whole house attending his Excellency and Council his Excellency Delivered to them in writing his Answer to the house of Representatives to the six Quæries in their minutes about building a ffort for securing the five nations of Indians, which followed *in hæc verba*:

Answers to six Quæries Contained in the Votes of the house of Representatives of New York of Wednesday the 31th July 1700.

1st The necessity of Building a ffort for defence of the Indians is plain from the Repeated pressing Instances of the five nations Expressed in all the messages they have sent to the Earle of Bellomont, ever since his being in the possession of the Government of this province. The Giving them therefore the satisfaction of complying with their desire (in the staggering condition they seem at present) may well pass for an argument of necessity, since if we do not humour them so as to Retrieve their Affection the french will Infallibly take advantage of our Supinenesse, and will so caresse 'em as in a very short time to debauch 'em entirely from us. Besides lett not the difficulty of Building a ffort frighten us the french have taught us the way, their fort at Cadaraque is as remote from Canada, as this Intended ffort can be from Albany, yett that distance did not deter them from building the said ffort, nor has it discouraged them from furnishing the Garrison with all sorts of provisions. Lastly there is another Consideration which makes it necessary to erect a ffort Immediately as much in the Center of the five nations as may be, for the settlement of a good minister or two in the said ffort, to instruct the Indians, which can never be otherwise Expected can be Complied with, for no minister or ministers will venture to go and live among the Indians out of a ffort and English garrison, to the apparent and certain hazard of their lives, especially now their poysoning is become so comon a way of taking away the lives of men.

2^d To the Second Quære 'tis answered that the proper place for erecting a ffort is to be the work of the Kings Engineer, but 'tis suposed it will be most properly built somewhere in the Onondages Countrey, not only because they are in the center of the five nations, but also because a ffort built on their Land, will best Confront the french ffort of Cadaraque as being Contiguous thereunto and therefore most capable of offence and Defence. And in this point also it will be proper to Consult the Sachins of the five nations, and know of them what part of the Countrey will be most agreeable to them for the building a ffort, which the said Earl will do at the Conference he is to have with them this next week at Albany. 'tis Intended the said ffort shall be made of Sodd work well ditched and pallisado'd

3^d The Charge of Building such a ffort cannot reasonably be suposed to exceed fifteen hundred pounds.

4th The Garrison proposed for this ffort is one hundred men under Cōmand of a Captain who is to have two Lientenants under him, the said Garrison to be duly payd and Subsisted at the Kings Charge and the said ffort gunn'd with twenty four great guns six pounders.

5th The said Earle leaves the management of Building the said ffort to the Gentlemen of the house of Representatives soe far as Relates to the Reeceits and payments of the said money.

6th Tis not practicable to make any answer to the Sixth Quære, because the neighbouring Colonies are not in the power of the said Earl to Induce them to a Contribution to the Charge that has been proposed, neither indeed were it safe to delay this undertaking so long as till our neighbours could be asked the Question.

A Bill for preventing Abuses dayly Committed by Negro Slaves was layd before this board by his Excellency being delivered to him by a Committee of the house of Representatives appointed for that purpose, and was read the first time.

Adjourned till to morrow morning ten of the Clock

At a Councill held at ffort William Henry, this third day of August, 1700.

PRESENT—

As yesterday.

His Excellency layd before this board an Act against Jesuits and popish preists, which was Delivered to him by a Committee of the house of Representatives appointed for that purpose

Which was read the first and second time, and Comitted to the whole house.

Adjourned till three of the clock afternoon.

Post Meridiem.

PRESENTIBUS—

Eisdem.

Coll^o William Smith Chief Justice of this province and Chairman of the Committee of the Councill to whom the Bill against Jesuits and popish preists was Comitted does Report to this honorable board.

That in page the first Line the fifteenth and in page the second Line the Senventh the word [September] be blotted out, and the word [November] interlined.

That in page the Third, Line the first second third and fourth these words [one third part to his Majesty for and towards the support of the Government, one third to the Governor or Comander in Chief for the time being of this province, and the other third part to the Informer]

be obliterated and the words [one half to his majesty for and towards the support of the Government and the other half to the Informer who shall sue for the same, in any Court of Record within this province wherein no Essoign protection or wager of Law shall be allowed] be Interlined.

That these words be added at the end of the Bill [Provided this Act shall not Extend or be Construed to Extend unto any of the Romish Clergy who shall happen to be shipwrecked or through other adversity shall be cast on shore or driven into this province, so as he continue or abide no longer within the same than untill he may have opportunity of passage for his departure, see also as such person Immediately upon his arrivall shall forthwith attend the Governor if near to his place of Residence or otherwise on one or more of the Council or next Justices of the peace and acquaint them with his Circumstances and observe the directions which they shall give him during his stay in the province.

The said Report was Read and approved of, and the said Bill was read the third time together with the Amendments and passed, and ordered that Samuell Staats and Robert Walters Esq^{rs} do carry the said Bill and Amendments to the house of Representatives for their Assent.

Adjourned till to morrow morning ten of the Clock.

At a Council held at ffort William Henry, this fifth day August, 1700.

PRESENT — His Excellency RICHARD Earle of BELLOMONT, &c.,

WILLIAM SMITH,
ABRAHAM DEPEYSTER, } Esq^{rs}
SAMUEL STAATS,

ROBERT LIVINGSTON, } Esq^{rs}
ROBERT WALTERS, }

The memoriall of John Guest Read and Referred to the Consideration of the house of Representatives now sitting.

Adjourned till three of the Clock afternoon.

Post Meridiem.

PRESENTIBUS —

Eisdem.

Killian van Ramslaer and John Depeyster Esq^{rs} layd before this board the Bill against Jesuits and popish priests, the house of Representatives having Consented to the said Amendments.

Adjourned till to morrow morning ten of the Clock.

At a Council held at ffort W^m Henry, this sixth August, 1700.

PRESENT — His Excellency RICHARD Earle of BELLOMONT, &c.,

STEPHEN CORTLANDT, }
WILLIAM SMITH, } Esq^{rs}
JAMES GRAHAM, }
ABRA : DEPEYSTER, }

SAMUEL STAATS, }
ROBERT LIVINGSTON, } Esq^{rs}
ROBERT WALTERS, }

His Excellency layd before this board An Act for appointing and enabling Comissioners to Examine take and state the public Accounts of this Government Delivered to him by a Committee of the house of Representatives appointed for that purpose, which was read the first and second time.

A Bill for the preventing the abuses dayly Comitted by Negro Slaves, and a Bill for Regulating the fences in Ulster County Read the second time, and

Ordered, that the above three Bills be Referred to a Committee of the whole house.

Adjourned till to morrow morning.

At a Councill held at ffort W^m Henry, this seaventh August, 1700.

PRESENT — *His Excellency* RICHARD Earle of BELLOMONT, &c.,
 STEPHEN CORTLANDT, }
 WILLIAM SMITH, } Esq^{rs}
 ABRA: DEPEYSTER, }
 SAMUELL STAATS, }
 ROBERT LIVINGSTON, } Esq^{rs}
 ROBERT WALTERS, }

Coll^o William Smith Chairman of the Committee to whom the Consideration of severall Bills were Comitted does Report to this hono^{ble} Board, That the Bill for Regulating fferences in Ulster County the Reason of it is not clear to us, and we are of opinion that the parties at whose prayer it is made, do explain the Consequence thereof to this board.

That the Bill for preventing abuses dayly Comitted by Negro Slaves, has a clause in it which gives greater Liberty to negroes than the Law of England does to English-men and would Encourage them in Stealing and in Comitting Robberies and other villanies, the punishment to be Inflicted on them if Convicted being so Inconsiderable, and that the same is also Contrary and Repugnant to the Laws of England, for which reason they are humbly of opinion that the said Bill ought not to passe.

That in the Act for Appointing and enabling Comissioners to Examine take and state the publick accounts of this Government. The Sixteenth and Seaventeenth Lines of the third page these words [who is hereby Impowered to administer the same] be left out, and that in page the fourth Line the fourth these words [and other things be left out. Which is humbly submitted.

At A Councill held at ffort W^m Henry, this Eighth of August, 1700.

PRESENT — *His Excellency* RICHARD Earle of BELLOMONT, &c.,
 WILLIAM SMITH, }
 ABRAHAM DEPEYSTER, } Esq^{rs}
 SAMUELL STAATS, }
 ROBERT LIVINGSTON, } Esq^{rs}
 ROBERT WALTERS, }

A Message from the Assembly to this board by Leonard Lewis and Jan Janse Blecker Esq^r with a Bill for the better payment of the Representatives, which was Read the first and second time and Comitted to the members of this board or any three of them.

Adjourned till five in the afternoon.

Post Meridiem.

PRESENTIBUS — *Eisdem.*

His Excellency Laid before this board An Act for the better securing the ffive nations of Indians in their fidelity to his Majestie the same being Delivered to him by a Committee of the house of Representatives appointed thereto: which was read the first and second time and Comitted to this board.

A Message from the Assembly to this board by Coll^o Jacob Rutsen &c with An Act for Reviving such actions and suites as were discontinued in the late Supreme Court of this province, and An Act for the Confirmation of a Certain patent granted by William Keift Esq^r late Dutch Governor of this province unto Mathias Hansen late of Ulster County Deceased, and the Confirmation thereof by Richard Nicolls Esq^r late Governor of this province unto the Coheires of the said Mathias Jansen Deceased.

The Bill for appointing and Enabling Comissioners to Examine take and state the publick accounts of this of this (*sic*) Government Read the third time together with the amendments and passed, and

Ordered, that Samuell Staats Esq^r do' carry the same to the house of Representatives for their Assent.

At a Council held at ffort W^m Henry, this ninth day of August, 1700.

PRESENT—

His Excellency RICHARD Earle of BELLOMONT, &c.,

STEPHEN CORTLANDT, }
WILLIAM SMITH, } Esq^{rs}
ABRA: DEPEYSTER, }

SAMUELL STAATS, }
ROBERT LIVINGSTON, } Esq^{rs}
ROBERT WALTERS, }

Thomas Morgan and Ryer Schermerhoorn Esq^{rs} from the Assembly brought to this board the Bill for appointing and Enabling Comissioners to Examine take and State the publick Accounts of this Government, the house of Representatives having consented to the amendments.

His Excellency having layd before the Council the Consideration of a Bill Entituled an Act for the better securing the five nations of Indians in their fidelity to his Majesty. They are humbly of opinion that the money granted by the said Bill will not Extend to defray the charge of the Intended flortification, and that the manner of Raising the same will be pernicious to the trade of this province and Destructive to his Majesties Established Revenue within the same Especially of such Branches thereof as this new Additionall duty is charged on Yett they Considering the great Importance of giving Satisfaction to the Indians of the five Nations, that it is the Intention of the Generall Assembly that a flort be erected at the publick charge for their security; Therefore for that reason only and to comply with the present necessity do advise his Excellency to passe the same, but that it be done under the protestation of what ill consequence the manner of Raising this money may be to the province untill his Majesties pleasure be known herein or that some other Expedient be found to supply the Defects of the said Bill, which Report being read was approved of by his Excellency.

The Bill for the better securing the five nations of Indians in their fidelity to his Majestie read the third time and passed.

His Excellency according to the usuall forme of passing Bills into Acts in this province in the presence of this board did sign the following Bills Enacting them and ordering them to be Inrolled under the scale of the province vizt.

1. An Act against Jesuits and Popish priests.
2. An Act for appointing and enabling Comissioners to Examine take and state the publick Accounts of the Government.
3. An Act for the better securing the five nations of Indians in their fidelity to his Majesty.

Ordered, the Clerk of the Council do acquaint the house of Representatives that his Excellency and Council desire their attendance Immediately at the flort. Which being done, And the Speaker with the whole house being present his Excellency acquainted them with what Acts he had passed, by reading the titles thereof to them, and ordered the Clerk to read to them the Report of the Gentlemen of the Council on the Bill for better securing the five Nations of Indians in their fidelity to his Majesty, and told them that he Joyned with the Council in opinion that the said Act would be destructive to the Trade and Revenue of this province, that they had in a strange manner Demonstrated their Loyalty and Affection to his Majesty: That however he thought it fitt as the present circumstance of things Required to passe the same, and to prorogue the said Assembly to the first day of October next Ensueing, and

They are hereby prorogued accordingly.

SECOND ASSEMBLY THIRD SESSIONS.

At a Council held at ffort William Henry this Second of October, 1700.

PRESENT—

His Excellency RICHARD Earle of BELLOMONT, &c.,

STEPHEN CORTLANDT, }
WILLIAM SMITH, } Esq^{rs}
ABRA: DEPEYSTER, }

SAMUELL STAATS, }
ROBERT LIVINGSTON, } Esq^{rs}
ROBERT WALTERS, }

His Excellency acquainted the Council that yesterday the house of Representatives sent to him and acquainted him that but flive of the members were yett come to Town, and desired to know if they might adjourn themselves, till the morrow morning, which he had ordered them to do accordingly.

The Council approve thereof.

Then his Excellency with the advice of the Council adjourned the Assembly till to morrow three of the Clock afternoon, the members not being yett come to Town.

Adjourned till to morrow three of the Clock afternoon.

At a Council held at ffort William Henry this Third of October, 1700.

PRESENT —

His Excellency RICHARD Earle of BELLOMONT, &c.,

STEPHEN CORTLANDT, }
WILLIAM SMITH, } Esq^{rs}
ABRA: DEPEYSTER, }

SAMUELL STAATS, }
ROBERT WALTERS, } Esq^{rs}

His Excellency adjourned the Assembly to Munday morning ten of the Clock the members not being yet come to Town

Adjourned till Munday morning ten of the Clock

At A Council held at ffort W^m Henry, this seaventh day of October, 1700.

PRESENT —

His Excellency RICHARD Earle of BELLOMONT, &c.,

STEPHEN CORTLANDT, }
WILLIAM SMITH, } Esq^{rs}
ABRA: DEPEYSTER, }

SAMUELL STAATS, }
ROBERT WALTERS, } Esq^{rs}

The Clerk of the Assembly acquainted his Excellency that the Representatives were not yet come to town. Whereupon his Lordship advised them to adjourn till to morrow morning nine of the Clock.

Adjourned till to morrow morning nine of the Clock

At A Council held at ffort William Henry 8th of October, 1700.

PRESENT —

As yesterday.

His Excellency being Informed by the Clark of the Assembly that the Representatives were not yett come to town, advised them to adjourn till to morrow morning nine of the Clock.

Adjourned till to morrow morning nine of the Clock.

9th October 1700. Adjourned to to morrow morning nine of the Clock.

10th October 1700. Adjourned to to morrow morning nine of the Clock

At A Council held at ffort W^m Henry this 11th October, 1700.

PRESENT —

His Excellency RICHARD Earle of BELLOMONT, &c.,

WILLIAM SMITH, }
ABRA. DEPEYSTER, } Esq^{rs}

SAMUELL STAATS, }
ROBERT WALTERS, } Esq^{rs}

Coll^o CORTLANDT sick

The Clark of the Assembly acquainted his Excellency in Council that but three of the members of the Assembly were now absent and that the rest attended his Lordships pleasure. Whereupon his Excellency ordered the Clerk of the Assembly to acquaint them that he desired their attendance Immediately.

The house of Representatives being present his Excellency Recomend unto them the Repealing the Act passed the last Session of the Assembly Intituled an Act for the better securing the live nations of Indians in their fidelity to his Majtie, which will not msver the end Intended, and hath been generally declared by the merchants of this province to be pernicious to the trade thereof, and a diminution of the Revenue within the same, and advised

them to passe a Law for the raising the sume therein mentioned, for the use Intended, and told them that whatsoever else he had to Recommend to them should be sent to them in writing. Whereupon they withdrew

Adjourned till to morrow morning.

12th October 1700 Adjourned till Munday morning.

14th October 1700 Adjourned till to morrow morning.

15th October 1700 Adjourned till to morrow morning.

At A Council held at ffort W^m Henry this 16th of October, 1700.

PRESENT —

His Excellency RICHARD Earle of BELLOMONT, &c.,

WILLIAM SMITH,
ABRAHAM DEPEYSTER, } Esq^{rs}
SAMUELL STAATS,

ROBERT LIVINGSTON, } Esq^{rs}
ROBERT WALTERS, }

An Act for the Better payment of the Representatives being layd before this board by his Excellency the same having been Delivered to him by Members of the house of Representatives appointed thereunto was Read the first and second time and Comitted to this board.

Adjourned till to morrow morning.

17th October 1700. Adjourned till to morrow morning.

18th October 1700. Adjourned till to morrow morning.

At A Council held at ffort William Henry this 19th of October, 1700.

PRESENT —

His Excellency RICHARD Earle of BELLOMONT, &c.,

ABRAHAM DEPEYSTER, } Esq^{rs}
SAMUELL STAATS,

ROBERT LIVINGSTON, } Esq^{rs}
ROBERT WALTERS, }

Coll^o CORTLANDT sick

The rest out of Town.

An Act for declaring the Town of Eastchester in the County of Westchester a distinct parish from the Town of Westchester in the County aforesaid was produced at this board by his Excellency being Delivered to him by members of the house of Representatives appointed thereunto and Read the first and second time and Comitted to the members of this board

Adjourned till Munday morning

At A Council held at ffort William Henry this 21th of October, 1700.

PRESENT —

His Excellency RICHARD Earle of BELLOMONT, &c.,

ABRAHAM DEPEYSTER, } Esq^{rs}
SAMUELL STAATS,
ROBERT WALTERS,

Coll^o CORTLANDT sick
The rest out of Town.

An Act for the Incouraging the Brewing of Beer and making of Malt in this province was was produced at this board by his Excellency being Delivered to him by msmbers of the house of Representatives appointed thereunto, and Read the first and second time, and Comitted to the members of his Majesties Council.

Adjourned till to morrow morning.

At A Councill held at ffort William Henry this 22th October, 1700.

PRESENT —

His Excellency RICHARD Earle of BELLOMONT, &c.,

STEPHEN CORTLANDT,
ABRAHAM DEPEYSTER, } Esq^{rs}
SAMUELL STAATS,

ROBERT LIVINGSTON, } Esq^r
ROBERT WALTERS, }

A Bill for preventing the Vexations and Oppressions that are or may be occasioned by Arrest of Judgment Superseding Executions, writts of Error and other Chargeable and oppressive proceedings in Law in the Supreme Court of Judicature of this province was layd before this board by his Excellency being delivered to him by members of the house of Representatives appointed thereunto, and was Read the first time

Adjourned till to morrow

At A Councill held at ffort William Henry this 23th of October, 1700.

PRESENT —

As yesterday.

The Bill for preventing the Vexations and Oppressions that are or may be occasioned by Arrest of Judgment &c Read the second time and Comitted to the whole board

Adjourned till to morrow morning.

At A Councill held at ffort W^m Henry this 24th of October, 1700.

PRESENT —

As yesterday.

A Bill for punishing Officers and Souldiers who shall mutiny or desert his Majties service and to prevent their being harboured and Concealed by the Inhabitants of this province, and to Incourage the seizing and securing such as shall desert his Majesties service for the future, and a Bill for appointing and Enabling Comissioners to Examine take and state the publick Accounts of this province were layd before this board by his Excellency being Delivered to him by members of the house of Representatives appointed for that purpose and read the first and second time, and Comitted to the members of this board now present.

To prevent oppression. A Bill to prevent Oppression was sent up to his Excellency and Councill from the house of Representatives by Jacob Rutsen and Daniell Whitehead Esq^{rs} and read the first and second time, and Comitted to the members of this board.

Coll^o Stephen Cortlandt Chairman of the Committee to whome severall Bills were Referred does Report to this honoble board that the Act for preventing Vexations and Oppressions that are or may be occasioned by arrest of Judgment, Superseding Executions, Writts of Error and other Chargable and oppressive proceedings of Law in the Supreme Court of Judicature of this province, wholly contains matter pointing to the giving directions for the proceedings in the Courts of Law in this province; That they are informed that his most Sacred Majesty hath been so gracious to this province, as to appoint a Chief Justice and an Attorney Generall Gentlemen Educated and Experienced in the Law who are dayly Expected for which reason they are of opinion that this Bill be Deferred untill their arrivall.

That the Act for better payment of the Representatives appears to this Committee to be of no more force or validity, than the Act formerly passed for the same purpose, and that the Representatives would not by the passing the said Act be secured of their sallary more than by the former, but they are of opinion that a Bill ought to be brought in for the effectuall securing a dayly sallary of six shillings to each Representative.

That in the Act for Incouraging the Brewing of Beer and making of Malt in this province, page the first line the fourteenth the word [proclamation] be obliterated, and the word [publication] be Inserted.

That as to the Bill for Declaring the Town of East-chester in the County of Westchester a distinct parish from the Town of Westchester in the County aforesaid, the Comittee desire his Excellency will please to Inspect his Comission and Instructions, to see if nothing therein mentioned is an Infringement of the prerogative Royall.

Which Report being Read was approved of by this board.

Adjourned till to morrow morning.

At a Councill held at ffort William Henry this 25th October, 1700.

PRESENT —

As yesterday.

Coll^o Stephen Cortlandt Chairman of the Comittee to whom the Bill for punishing officers and souldiers who shall mutiny or desert his Majesties service &c does Report to this honöble board That in Line the seaventh page the first between the word [be] and the word [should] these words be Interlined [in his Majesties pay within this province] That in page the second Line the Thirteenth, between the word [Governor] and the word [Comander] Leave out the word [and] and Insert the word [or] That in page the Third Line the second these words [Comander or Governor in Chief] be obliterated and these words [Governor or Cōmander in Chief for the time being] be inserted. That in page the fourth Line the first before the word [Assisting] Insert the word [Advising] That in page the fourth Line the Twentieth between the word [Albany] and the word [and] insert these words [or any other garrison in this province] That in page the fifth Line the first, between the word [Albany] and the word [as] these words be Inserted [or any other in this province] That in page the fifth Line the Third, and in page the fifth Line the Twelfth, these words [capps or other furniture] be obliterated and those words [or Aceoutrements] be Inserted. That in page the fifth Line the Sixteenth, between the word [province] and the word [Intituled] Insert these words [made in the Eleaventh yeare of his Majesties Reign].

The said Bill together with the amendments being Read the third time is passed, and

Ordered, That Samuell Staats and Robert Walters Esq^{rs} do carry the said Bill together with the Amendments to the house of Representatives for their Assent to the said Amendments.

A Bill for Incouraging of Seamen, together with a Bill for Vvacating and making voyd all such patents as have been lately granted and fraudulently obtained from the late Governor of this province, of diverse quantities of Land on a place called Cowneck &c. was layd before this board by his Excellency being delivered to him by members of the house of Representatives of this province appointed thereunto.

Adjourned till to morrow morning.

At a Councill held at Fort William Henry this 26th of October 1700.

PRESENT —

As yesterday.

The Bill for punishing officers and Souldiers who shall mutiny or desert his Majesties service &c having been sent to this board from the house of Representatives by persons appointed thereunto, and Delivered to his Excellency with the amendments yesterday sent down therewith agreed to by the said house, were amended accordingly and again read and passed, and his Excellency gave the Assent to the same Enacting it and ordering it to be Enrolled under the seale of the province, and the Exigency of affaires Requiring the same, it was this day published at the City hall of the City of New York.

Adjourned till Munday morning.

28th October 1700. Adjourned till Tuesday morning.

At a Councill held at ffort William Henry, this 29th October, 1700.

PRESENT —

His Excellency RICHARD Earl of BELLOMONT, &c.,

STEPHEN CORTLANDT, }
ABRAHAM DEFEYSTER, } Esq^{rs} ,
SAMUELL STAATS, }

ROBERT LIVINGSTON, }
ROBERT WALTERS, } Esq^{rs}

The Bill for Incouraging Seamen read the first and second time, and Comitted to this board.

The Bill for Incouraging the Brewing of Beer, and making of Malt in this province, was Read the third time together with the Amendments and passed, and

Ordered, that the same be carried down to the house of Representatives for their Assent to the said Amendments.

That part of the Report of the Comittee of the Councill to whom severall Bills were referred made to this board on the four and twentieth Instant Relating to the Bill for declaring the town of Eastchester in the County of Westchester a distinct parish from the Town

of Westchester in the County aforesaid being Read, and his Excellency having Inspected his Instructions and acquainted the board with that part they Desired of him The said Committee do Report to this board That the following amendments be made in the said Bill vizt That in page the Third Line the first Leave out [and] after the word thereof; and put in [do] and in the same Line leave out the words [and settle] In Line the Second before the word [protestant] putt in the word [orthodox].

The said Bill was Read the Third time, together with the Amendments and passed, and ordered the same be carried down to the house of Representatives for their Assent to the said amendments.

Isaac Dereymer, Jacob Rutsen, Daniell Whitehead and Ryer Schermerhoorn Esq^{rs} from the house of Representatives brought to this Board a Bill for Repealing An Act of Assembly Entituled An Act for the better securing the five nations of Indians in their fidelity to his majesty, and for a thousand pounds to be raised for the Building of a ffort for the security of the said nations of Indians.

Which was read the first and second time, and Comitted to this board.

Adjourned till to morrow.

At a Council held at ffort William Henry, this 30th of October, 1700.

PRESENT —

As yesterday.

Coll^o Stephen Cortlandt Chairman of the Committee to whom the Consideration of severall Bills were Comitted does Report to this hono^{ble} Board That inthe Bill for Repealing An Act of Assembly Intituled An Act for the Better Securing the five nations of Indians in their fidelity to his majesty &c In the Title thereof Line the Third these words [one thousand pounds to be raised] be obliterated, and these words [granting unto his Majesty the sume of one thousand pounds] be Inserted. And that in Line the fourth Between the word [the] and [nations] Insert the word [five] That in page the first Line the fourth these words [of the same] be obliterated, and the word [thereof] be Inserted. That in page the first Line the fifth Between the word [Act] and the word [Intituled] Insert these words [made in this present yeare of his majesties Reigne] and that in the end of the seaventh Line these words [for the same] be obliterated. That in page the Third Line the ninth make [Residenters] [Residents] That in page the sixth Line the Third and fourth these words be obliterated [who are hereby Impowered and authorized]. That in page the Eighth Line the fourth these words be obliterated [who are hereby Required and Impowered to do the same] That in page the Eighth Lines the Sixteenth and seaventeenth these words be obliterated [shall be neglected or refused to be payd] That in page the Eighth Line the Twentieth between the word [Required] and the word [for] Insert these words [and Impowered] That in page the ninth Line the first between the word [pay] and the word [his] Insert the word [on] That in page the ninth Line the ffourteenth between the word [Constable] and the word [any] take away the word [or] and Insert the word [and] That in page the tenth Line the ninth make the word [and] [or] That these words be Inserted in the end of the Bill [and that in case of the death or other disability of the managers for building the said ffort, that the Governor or Comander in Chief of the said province for the time being do nominate and appoint another or other fitt person or persons in the Room or Stead of him or them so dying or being otherwise disabled as aforesaid].

That in the Bill Intituled an Act for appointing and Enabling Comissioners to Examine take and state the publick Accounts of this province, page the Third, Line the Eighth after the word [Accounts] Insert the following words [of all Imbezillments and Concealments of Goods and moneys seized and forfeited to the Kings Majtie by any penall Law or Statute] That in page the Second Line the Eleaventh after the word [his] Insert the word [present] That in page the third, Line the last after the word [money] Insert the following words [and also all persons suspected to have been any wayes Concerned in the Imbezilling or concealing any goods or moneys seized or forfeited to the Kings Majesty by any penall Law or Statute as aforesaid] That in page the Second, Line the last after the word [being] Leave out the words [ordering them] That in page the Sixth, Line the last between the word [Twelfth] and the word [of] Insert the word [yeare]

The said Two Bills being Read the Third time Together with the Amendments are passed, and ordered that the same be sent down to the house of Representatives for their Assent to the said Amendments and Samuell Staats and Robert Walters Esq^{rs} are hereby desired to carry the same.

Coll^o Stephen Cortlandt Chairman of the Committee to whom severall Bills were referred does Report to this honorable Board that the Bill for Incouraging of Seamen do passe without any Amendment, and that the Bill to prevent oppression be referred to further Consideration.

The Bill for the Incouraging of Seamen Read the Third time and passed.

The Bill for Incouraging the Brewing of Beer and making of Malt within this province, and the Bill for declaring the Town of East-Chester in the County of Westchester a distinct parish from the Town of Westchester in the County aforesaid having been sent to this board by the house of Representatives by persons appointed thereunto and Delivered to his Excellency with the Amendments sent down therewith agreed to by the said house and amended accordingly was again Read and passed.

Adjourned till to morrow morning

31th October 1700 Adjourned till to morrow morning.

At a Council held at ffort William Henry this first November, 1700.

PRESENT —

His Excellency RICHARD Earl of BELLOMONT, &c.,

STEPHEN CORTLANDT, }
ABRAHAM DEPEYSTER, } Esq^{rs}
SAMUELL STAATS, }

ROBERT LIVINGSTON, }
ROBERT WALTERS, } Esq^{rs}

His Excellency Layd before this board a Bill for Confirmation of a Certain Agreement made by Thomas Swartwout and Company of the one part, and Gerrit Aertsen and Company of the other part, and also a Bill for the Settling and mending the highways and by wayes in the County of Ulster which were delivered to him by members of the house of Representatives appointed thereunto.

His Excellency also produced to this board the Bill for Repealing an Act of Assembly Intituled an Act for the Better securing the ffive nations of Indians in their fidelity to his majesty &c and the Bill for appointing and Enabling Comissioners to Examine take and state publick Accounts of this province, which were sent with severall amendments from this board to the house of Representatives on the Thirtieth day of October last, and they having agreed to severall of the sd amendments the said Bills were amended accordingly and again Read and passed.

Adjourned till to morrow

At a Council held at ffort William Henry this second day of November, 1700.

PRESENT —

As yesterday.

His Excellency ordered the Clerk of the Council to acquaint the house of Representatives that he desired their attendance Immediately.

The house of Representatives being present his Excellency signed the following Bills Enacting them and ordering them to be Enrolled under the scale of the province (vizt)

1st An Act for Incouraging the Brewing of Beer and making of Malt in this province.

2^d An Act Declaring the Town of East Chester in the County of Westchester a distinct parish from the Town of Westchester in the County aforesd.

3^d An Act for appointing and Enabling Comissioners to Examine take and state the Publick Accounts of this province.

4th An Act for Repealing An Act of Assembly Intituled An Act for the better securing the ffive Nations of Indians in their fidelity to his Majesty and for granting unto his Majtie the sume of one thousand pounds for the Building a ffort for the security of the ffive Nations of Indians.

5th An Act for the Incouraging of Seamen.

Then his Excellency told them that there were severall other Bills sent up from them to this board, but they mostly contening matter of property or the Courts of Law in this province, his Excellency and Council thought it adviseable not to Interneddle with the same, in Regard that he hath Received advise that his Majtie for the good and welfare of this province hath appointed a Chief Justice and Attorney Generall, men of study, knowledge and Experience in the Law, who are now dayly Expected by whose advice and Assistance he hopes measures will be taken that every persons property may be effectually secured to him and that the Courts of Judicature will be Established for the ease and benefit of the Subject Inhabitants here.

Then his Excellency prorogued the Assembly untill the first Wednesday in Aprill next, and they are hereby prorogued accordingly.

And the Gentlemen of the Councill and Severall of the members of the house of Representatives agreed to meet at the City hall, and publish the Acts now passed, on Munday morning next, which were then and there published accordingly.

[New York Col. MSS. XLIV., 131]

BY THE HONOURABLE

John Nanfan Esq, His Majesties Lieut. Governour and Commander in Chief in and over the Province of *New York*, and Territories depending thereon in *America*, and Vice Admiral of the same.

A PROCLAMATION

WHEREAS it hath pleased Almighty God, in the time of my absence from this Province, to take unto himself, the really Noble Lord *Richard* Earl of *Bellomont*, late Capt General and Governour in Chief thereof; and that the time to which the Generall Assembly was by his said Excellency last Prorogued, did happen after the Death of his said Excellency, and before my Return again, by which means warin Debates did arise, and some Mis-understandings happen about the *Right* of Administration of Government, and particularly in the House of Representatives, concerning the Legality of their sitting since the late Earl of *Bellomont's* Decease. I being desirous to put an end to all Differences and Mis-understanding amongst his Majesties Subjects, the Inhabitants of this Province, and that for the future they may be firmly united in his Majesties Interest and Service, as well as their own good and Wellfair, have therefore thought fit, and I do by these Presents Declare the Assembly of this Province DISSOLVED, and the General Assembly of this Province is hereby DISSOLVED accordingly.

Given at Fort William Henry in New-York this first Day of June 1701, and in the Thirteenth Year of his Majesties Reign.

JOHN NANFAN.

God save the KING.

[IN EXECUTIVE SESSION.]

1st June, 1701.

Ordered, that the Secretary do prepare Writts for the Election of a Generall Assembly of this Province to meet and sitt on the first Tuesday in August next Ensueing: That the said writts be pursuant to the Act of Assembly Intituled, An Act for Regulating Elections of Representatives in Generall Assembly in each Respective City and County Within this province.

EIGHTH ASSEMBLY FIRST SESSIONS.

At a Council held at ffort William Henry this nineteenth day of August, 1701.

PRESENT —

The Honoble JOHN NANFAN, Esq^r, &c.,

PETER SCHUYLER,
ABRA: DEPEYSTER, } Esq^{rs}
SAMUELL STAATS,
ROBERT LIVINGSTON, }

ROBERT WALTERS, }
THOMAS WEAVER, } Esq^{rs}
WILLIAM ATWOOD, }

The Clark of the Assembly Informed this board that the Representatives of the severall counties in this province were all mett Except one only of the Members of Queens County, who is hourly Expected.

Whereupon his honor the Governor appointed William Atwood Esq^r Chief Justice of the province, together with Coll^o Abraham Depeyster and Robert Livingston Esq^{rs} to administer the oaths appointed by act of parliament to be taken instead of the oaths of Allegiance and Supremacy to the said Representatives, and to cause them to subscribe the Test and Association, and gave unto them a Dedimus potestatem under the seale of the province for that purpose.

Post Meridiem

PRESENTIBUS —

Eisdem

The Gentlemen of the Council appointed by a writt of Dedimus potestatem to administer the oaths appointed by act of parliament to be taken instead of the onthes of Allegiance and Supremacy to the members of the house of Representatives of this province and to cause them to subscribe the Test and association having returned the said writt duly executed by them It is

Ordered, that the Clark of the Connecill do wait on the house of Representatives and acquaint them that the Governor in Connecill desires their Immediate attendance, which being done, and the house of Representatives being present before this board, the Governor desired them to repair to their house and proceed to the Election of a speaker, and then to return and attend him with their Speaker.

The house of Representatives being Returned they presented Abraham Gouverneur Esq^r their Speaker to the Governor and desired his honors approbation.

The Speaker made a modest apology.

The Governor Confirmed their choice.

Then the Speaker acquainted the Governor that by order of the house of Representatives, he demanded their former rights and priviledges vizt

That they may have freedom of accesse to his honors person when occasion Requires.

That they may have Liberty of Speech, and a favourable Construction upon the debates which may arise amongst them.

That in all misunderstandings which may arise between the Council and this house upon any Subject matter, which shall be concluded by them, that in such case a Committee of the Council may be appointed to Conferr with a Committee of this house, for the adjusting and reconciling all such differences, and that these their requests may be approved by his honor in Council and entered in the Council books accordingly.

Then the Governor sayd as followeth vizt.

Gentlemen,

As I am Impowered by his Majesty by the Consent of the Council and you the Representatives, to provide for the publick peace welfare and good goverment, and for the benefit of his majesty his heires and Successors; for these ends have I now called you together, to which I am and shall be ready to Contribute all that lies in my power, and hope I shall meet with the like disposition in you

I cannot but take it as a presage of the future success of my Endeavours for the good of this province, that at this time, when the danger of warr makes it requisite to be well assured of the fidelity of our five nations of Indians, they have not only repeated their assurances in such a manner as has been sacred among 'em but Conveyed to the Crown of England a vast Tract of Land of great consequence for preventing their necessity of Submitting to the neighbouring power

His Majesty who is a most Indulgent Father to his people has manifested a particular care over you; besides the Constant Charge of the additionall forces, he has out of his own Exchequer supply'd two thousand five hundred pounds sterling for florts, and Eight hundred pounds in Seasonable gifts to the Indians and for the better administration of Justice among you, has settled three hundred pounds a year upon a Chief Justice and one hundred and fifty upon an Attorney Generall, all which are of that Importance to you, that so much money may well be thought spared out of your purses.

I perswade my self I need not press this as a motive for your continuing the Act Intituled An Act for raising an additionall duty for the defraying the debts of the government, which Expired in May last, and it may deserve your Consideration whether the last Act for granting his Majesty severall duties for defraying the publick Charge of the Government, wants not some Amendments to make it more effectuell. You cannot but know that your own Interests and preservation are nearly concerned in the Support of the Government.

This I hope may prevaile with you to lay aside all heats and Animositities and to proceed unanimously to those things that may tend to the security and happinesse of this province

I should think that every man should be sensible that unity and unanimity is at this time more necessary than it has ever been since your being under the protection of the Crown of England.

As I can answer for the sincerity of my own Intentions I doubt not but you will find a Concurrence in the Councill, and I hope we shall every one strive who shall excell in Zeale for the good of this province and the service of his Majesty King William whom God long preserve to Reign over us.

Then the Representatives withdrew

At a Councill held at ffort William Henry this two and twentieth day of August, 1701.

PRESENT — *The Honoble JOHN NANFAN Esq^r, &c.,*

WILLIAM SMITH,
PETER SCHUYLER,
ABRAHAM DEPEYSTER,
SAMUELL STAATS,

} Esq^{rs}

ROBERT WALTERS,
THOMAS WEAVER,
WILLIAM ATWOOD,

} Esq^{rs}

Cornelius Sebering and Thomas Morgan Esq^{rs} from the Assembly desired the Governor in Councill to cause the oaths appointed by act of parliament to be taken instead of the oaths of Allegiance and Supremacy to be administered to Ryer Schermerhoorn Esq^r and to see him subscribe the Test and Association, which was done before this board.

At a Councill held at ffort William Henry this six and twentieth day of August, 1701.

PRESENT — *The Honoble JOHN NANFAN Esq^r, &c.,*

ABRAHAM DEPEYSTER,
SAMUELL STAATS,
ROBERT LIVINGSTON,

} Esq^{rs}

ROBERT WALTERS,
THOMAS WEAVER,
WILLIAM ATWOOD,

} Esq^{rs}

David Provoost and Arian Gerritse Esq^{rs} from the Assembly desired that the oaths appointed by act of parliament to be taken instead of the oaths of Allegiance and Supremacy may be administered to Henry fflowler Esq^r and that the said fflowler may subscribe the Test and Association before this board to qualify him to sitt and act as a Representatives in the Generall Assembly which was done accordingly.

Ordered, that the Clark of the Councill do acquaint the house of Representatives that this board do believe it necessary for his Majties Service, that the public accounts of the Customs and Revenue of this province kept by Coll^o Stephen Courtlandt late one of the Comissioners for managing the office of Collector and Receiver Generall should be immediately stated and adjusted, and do desire that in case the Comissioners appointed by Act of Generall Assembly to Examine take and state the publick accounts of this province have not made their Report to the house of Representatives pursuant to the said act, that the said house would order them to do the same forthwith.

And this board do also desire that the said house would forthwith apply themselves to the Consideracōn of the Immediate defence of the ffrontiers of this province.

At a Councill held at ffort William Henry this nine and twentieth day of August, 1701.

PRESENT —

The Honoble JOHN NANFAN Esq^r, &c.,

ABRAHAM DEPEYSTER, }
SAMUELL STAATS, } Esq^{rs}

ROBERT WALTERS, }
WILLIAM ATWOOD, } Esq^{rs}

The Governor acquainted the Councill that some of the members of the house of Representative of this province had by order of the said house desired his honor to appoint a Committee of the Councill to manage a Conference with a Committee of the house of Representatives on the Subject matter of the publick accounts, and particularly to what Relates to Mr Livingston, together with the time and place where the said Committees shall meet and sitt. And thereupon appointed Coll^o Abraham Depeyster, Samuell Staats, Robert Walters and William Atwood Esq^{rs} a Committee of the Councill to meet a Committee of the house of Representatives on the matters aforesaid at the house of Mr Roger Baker at three of the Clock in the afternoone.

At a Councill held at ffort William Henry this thirtieth day of August, 1701.

PRESENT —

The Honoble JOHN NANFAN, Esq^r, &c.,

ABRAHAM DEPEYSTER, }
SAMUELL STAATS, } Esq^{rs}
ROBERT LIVINGSTON, }

ROBERT WALTERS, }
THOMAS WEAVER, } Esq^{rs}
WILLIAM ATWOOD, }

William Atwood Esq^r Chairman of the Committee of the Councill yesterday appointed to conferr with a Committee of the Assembly Reports to this honöble board. That the Comissioners appointed by an act of Generall Assembly of this province to Examine take and state the publick accounts, had in pursuance of an order^t of the house of Representatives attended the said Committees and Informed them that Robert Livingston Esq^r who appeares to have reced great sumes of the publick money hath absolutely refused to account before them for the same thö duly required thereunto

That thereupon 'tis the opinion of these Committees That it is of great consequence that an Act should passe to confiscate his Reall and personall Estate for soe much debt to the Crown as he can be charged with by the said Comissioners unlesse he forthwith account before them by such a day as the house of Representatives shall think fitt, and that if such a Bill be ordered to be brought in notice be Immediately given to the said Livingston that he may offerr such reasons as he can against the same.

At a Councill held at ffort William Henry this fourth day of September, 1701.

PRESENT —

The Honoble JOHN NANFAN, Esq^r, &c.,

ABRAHAM DEPEYSTER, }
SAMUELL STAATS, } Esq^{rs}
ROBERT WALTERS, }

THOMAS WEAVER, }
WILLIAM ATWOOD, } Esq^{rs}

Ordered, that pursuant to the desire of the house of Representatives the Gentlemen of the Councill now present do meet the Committee of the said house at the house of Mr Gabriell Tompson in this City at three of the Clock this afternoone to Conferr about the Immediate Defence of the frontiers of this province, as also about the publick accounts kept by Coll^o Stephen Cortlandt late Comissioner of the Custums and Revenue here.

At a Councill held at ffort William Henry this ninth day of September, 1701.

PRESENT —

As on the fourth instant.

William Atwood Esq^r Chairman of the Committee of Councill appointed on the fourth instant to conferr with a Committee of the house of Representatives Reports to this honöble Board That It is the opinion of the said Committees that a Bill be prepared and layd before the house of Representatives for the applying a sume not exceeding out of the fifteen hundred pounds raised by two severall acts of Assembly of this province for the Building a ffort

at Onnondage, for the putting such part of the frontiers of this province into an Immediate posture of Defence as the said house shall think fitt, the said sume to be putt into the hands of such comissioners as the house of Representatives shall appoint for that purpose who shall account for the same to the said house the said money to be Repayd when it shall be thought fitt to proceed to the building the said ffort for which sume the Credit of the Assembly shall be engaged.

It is also the opinion of these Committees that Gertrude the Relict and Executrix of Coll^d Stephen Cortlandt &c be summoned before the house of Representatives, and ordered by them to pay unto the Collector and Receiver Generall of this province the sume of ffive hundred thirty eight pounds raised by act of Generall Assembly of this province and appropriated for the building the ffort at Onnondage within such time as the said house shall think fitt, or otherwise that the said house do order a Bill to be prepared and layd before them for the effectuall enforcing the speedy payment thereof as aforesaid.

The Governor produced at the Board

A Bill for Regulating the ffences in the County of Ulster.

A Bill for Encouraging the City of New York, and

A Bill for confirmation of a certain agreement made by Thomas Swartwout and Company of the one part and Gerrit Aertsen and Company of the other part; the same being Delivered unto him by a Committee of the house of Representatives appointed thereunto which were read the first time.

At A Councill held at ffort William Henry this Eleaventh day of September, 1701.

PRESENT —

The Hon^{ble} JOHN NANFAN, Esq^r, &c.,

ABRAHAM DEPEYSTER, } Esq^{rs}
ROBERT WALTERS, }

THOMAS WEAVER, } Esq^{rs}
WILLIAM ATWOOD, }

David Provoost and Garrit Vechte Esq^{rs} from the Assembly Delivered to this board a Bill for enabling the City and County of New York to defray their necessary charge, as also a minute of the house of Representatives wherein they desire that the Governor will please to appoint a Committee of the Councill to Conferr with a Committee of the Assembly upon that part of the conference his honor the Governor had with the ffive nations of Indians at Albany relating to the Indians Desiring M^r Livingston may be sent for England. Whereupon the Governor ordered the Councill or any three of them to be a Committee to meet the Committee of the Assembly on that matter at the house of Gabriell Tompson at three of the Clock this afternoon

The Bill for Regulating the fences in Ulster County and the Bill for Confirming the agreement made by Thomas Swartwout and Company of the one part and Gerrit Aertsen and Company on the other part were Read the Second time and Comitted to Abraham Depeyster, Samuelli Staats, Robert Walters, Thomas Weaver and William Atwood Esq^{rs}

At A Councill held at ffort William Henry this thirteenth day of September, 1701.

PRESENT —

The Hon^{ble} JOHN NANFAN, Esq^r, &c.,

ABRAHAM DEPEYSTER, } Esq^{rs}
SAMUELL STAATS, }

THOMAS WEAVER, } Esq^{rs}
WILLIAM ATWOOD, }

The Governor produced at the board the following Bills which were delivered to him by members of the house of Representatives appointed thereunto vizt.

An Act for the destroying of Wolves in the County of Ulster and Westchester.

An Act for the more Regular proceedings in the Election of Representatives for the severall Cities and Counties within this province.

An Act for allowance to the Representatives and An Act for repealing An Act of Assembly of this province Intituled An Act for defraying the publick and necessary Charge throughout this province for maintaining the poor and preventing Vagabonds, and for the appointing a more effectuall memnes for defraying the publick and necessary Charge in each City and County and for maintaining the poor and preventing Vagabonds. Which sayd four Bills were read the first time.

Thomas Morgan and Ryer Schermerhoorn Esq^{rs} from the house of Representatives desired that Thomas Willet, John Tolman and William Willet might take the oaths appointed by act of parliament to be taken instead of the onths of Allegiance and Supremacy and Subscribe the Test and Association to qualify them to sitt and act as members of the Assembly which was administered to them and subscribed by them accordingly.

William Atwood Esq^r Chairman of the Committee of Council appointed on the Eleventh Instant to Confer with a Committee of the Assembly about that part of the Conference the Governor had at Albany with the five nations of Indians, relating to the Indians Desiring M^r Livingston might go to England Reports as followeth vizt That the said Committee being mett they sent to acquaint the said M^r Livingston that they were now proceeding on matters Relating to his managment of the treaties with the five nations of Indians, and that he might be present if he thought fitt; That the said M^r Livingston coming before the said Committees was acquainted that on perusall of those parts of the propositions made to the Governor by the five Nations of Indians at Albany the house of Representatives had been Inclined to believe that the said Indians either by the said M^r Livingston or by some other Employed by him, or with his privity had been prevailed on and Influenced to Expresse a desire that he should be sent to Sollicite their affaires in England, and was asked if he thought it not proper for him to take a voluntary oath before some person authorized to administer the same in order to clear himself from censure therein but that the said M^r Livingston answered that he thought it not worth his while to do the same. That thereupon both the said Committees unanimously agreed that the said matter ought to be specially Reported to the house of Representatives by the Committee of the said house.

At a Councill held at ffort William Henry, this Sixteenth day of September, 1701.

PRESENT —

The Honorable JOHN NANFAN, Esq^r, &c.,

ABRAHAM DEPEYSTER, }
SAMUELL STAATS, } Esq^r
ROBERT LIVINGSTON, }

ROBERT WALTERS, }
THOMAS WEAVER, } Esq^r
WILLIAM ATWOOD, }

The Governor produced at the board a Bill for the Settling and amending the highwayes and Roads in the County of Ulster.

An Act to Inforce the owners and possessers of unimproved Lands in the Counties of Albany Westchester Richmond and Orange to pay their proportion of their Quitt rents and taxes raised for the Support of the Government, and other County charge, and

An Act for granting unto the City and County of New York Kings County, Richmond County, the County of Orange, and the County of Westchester equall priviledges with the other Cities and Counties in this province for the probate of Wills, and granting Letters of Administration the same being Delivered to him by members of the house of Representatives appointed thereunto. Which were read the first time.

The Speaker attended by the house of Representatives presented the Governor in Council two severall addresses, which he read, the one Relating to his honors managment of the five nations of Indians in his late Expedition to Albany, and the other relating to Robert Livingston Esq^r which were ordered to be entered in the Councill Book and follow in *hæc verba*.

To the hon^{ble} JOHN NANFAN Esq^r Lieutenant Governor and Comander in Chief of the province of New York &c.,

The humble ADDRESSE of the house of Representatives of the said province in Generall Assembly Conveen'd

May it please yo^r honor.

Wee the Representatives of this his Majesties province out of a deep sense we have of the great services your honor did to this province in your last negotiations with the five nations of Indians at Albany in yo^r last Conference with them Do in behalf of our selves and all the Inhabitants of this province Congratulate your honors successe of the same and do render you our most hearty and unfeigned thanks for your care prudence and wise managment therein, and humbly pray that for the future no person may be Employed to Interpret the Conferences of the said five nations but the sworn Interpreter Lawrence Claesen when he is to be had. So wishing your honor all Imaginable prosperity in this his Majesties Government

Wee are

Your freinds the Representatives in Generall Assembly Conveen'd

By order of the house of Representatives,

ABRAH : GOUVERNEUR, Speaker.

Die Saturn.

13 Septembris, 1701.

To the hon^{ble} JOHN NANFAN Esq^r Lieut Governor and Comander in Chief of the province of New York, &c.,

The humble ADDRESSE of the house of Representatives of the said province in Generall Assembly Convened.

May it please yo^r honor

Wee the Representatives of this his Majesties province being highly sensible of your honors prudent Conduct in your late management with the flive nations at Albany Yett humbly begg leave to Remonstrate to your honor that some persons Disaffected to the peace of this Government have Instigated and deluded the said nations to Desire the going over of M^r Robert Livingston for England as their agent the which being maturely Considered by this house, and they finding that M^r Livingston at the last Conference with the Council did refuse to give the Reasonable Satisfaccōn in that matter then of him desired, the said house is therefore of opinion that the said passages relating to the said Indians desire of sending M^r Livingston for England has been procured by the said Livingston or his agents with his privy and Consent contrary to the duty and Allegiance he owes to his majesty and the peace of this Government.

Wee therefore humbly move your honor to lay these our Requests before his Majesty that his Majesty would be graciously pleased to remove the said Levingston from the office of Secretary of the Indian Affaires, and that in the mean while he might be by yo^r honor Suspended from the same untill his Majesties pleasure shall be known.

Wee are

Your friends the Representatives in Generall Assembly Convened.

By order of the house of Representatives.

ABRAH: GOUVERNEUR, Speaker.

Die Saturn.

13th Septembris, 1701.

The Governor answered that what he had done in that affair of the Indians was but his duty, that he thank'd them for their kind Interpretation of his management therein, and that he should allwayes make it his chief study to promote his Majties service as much as possible, as well in that as in all other things during his continuance amongst them.

Whereon they withdrew.

At a Councill held at ffort William Henry this Eighteenth day of September, 1701

PRESENT —

The Honoble JOHN NANFAN, Esq^r, &c.,

ABRAHAM DEPEYSTER, }
SAM^l STAATS, } Esq^{rs}

ROBERT WALTERS, }
WILLIAM ATWOOD, } Esq^{rs}

John Depeyster and David Provoost Esq^{rs} from the Assembly Desired that John Johnson Bleeker, Hendrick Hansen and Andries Coeyman Esq^{rs} Representatives Elected from the City and County of Albany may take the oaths appointed by Act of parliament to be taken instead of the oaths of Allegiance and Supremacy and subscribe the Test and Association before this board, in order to Qualify them to sitt and act, which was ordered and done accordingly.

At a Councill held at ffort William Henry this two and twentieth day of September, 1701.

PRESENT —

The Honoble JOHN NANFAN, Esq^r, &c.,

ABRAHAM DEPEYSTER, }
SAMUELL STAATS, } Esq^{rs}
ROBERT LIVINGSTON, }

ROBERT WALTERS, }
THOMAS WEAVER, } Esq^{rs}
WILLIAM ATWOOD, }

The Act for Incouraging the City of New York.

The Act for Repealing the Act of Assembly for defraying the publick charge &c and for the appointing a more effectuall meanes for Defraying the publick and necessary charge &c.

The Act to Inforce the owners and possessors of unimproved Lands in the Counties of Albany Westchester Richmond and Orange to pay the proportion of their Quitt rents &c.

The Act for the more Regular proceeding in the Election of Representatives &c.

The Act for Settling and amending the highways and Roads in the County of Ulster.

An Act for allowance to the Representatives, and An Act for the destroying of wolves in the County of Ulster and Westchester were this day read the second time and Comitted to

the members of this board now present or any four of them, whereof W^m Atwood Esq^r to be one.

The Governor produced at the Board An Act to oblige Robert Livingston Esq^r to account according to the purport of An Act Entituled An Act for appointing and enabling Comissioners to take and state the public accounts of this province the same being Delivered to him by members of the house of Representatives appointed thereunto Which was read the first time.

At a Councill held at ffort William Henry this five and twentieth day of September, 1701.

PRESENT —

As on the two and twentieth Instant.

William Atwood Esq^r Chief Justice of this province and Chairman of the Comittee of the Councill to whom severall Bills were referred on the Eleaventh and two and twentieth Instant does Report to this honorable Board, that the said Comittee have made severall amendmints to the said Bills, which were produced and read, and the Clark of the Councill ordered to carry the same to the house of Representatives.

Ordered, that the members of this board be a Comittee of the Councill to meet the Comittee of the Assembly at the house of M^r Gabriell Tompson at three of the Clock this afternoon to conferr about the method and the wayes and meanes of putting the frontier Garrisons into a posture of Defence this winter.

At a Councill held at ffort William Henry this nine and twentieth day of September, 1701.

PRESENT —

The Honorable JOHN NANFAN, Esq^r, &c.,

ABRAHAM DEPEYSTER, }
SAMUELL STAATS, } Esq^{rs}
ROBERT LIVINGSTON, }

ROBERT WALTERS, }
THOMAS WEAVER, } Esq^{rs}

Ordered, that the members of this board or any three of them be a Comittee of the Councill to meet a Comittee of the Assembly at the house of Gabriell Tompson at three of the Clock this afternoon to conferr about the amendmints made by this board to severall bills, and sent to the house of Representatives on the five and twentieth instant, as also to Consider further about the speedy putting the frontier garrisons into a posture of Defence.

At a Councill held at ffort William Henry this Second day of October, 1701.

PRESENT —

The Honorable JOHN NANFAN, Esq^r, &c.,

ABRAHAM DEPEYSTER, }
SAMUELL STAATS, } Esq^{rs}
ROBERT LIVINGSTON, }

ROBERT WALTERS, }
THOMAS WEAVER, } Esq^{rs}
WILLIAM ATWOOD, }

Ordered, that M^r David Jamison do appear before this board on Munday next at three of the Clock afternoon and then and there offer his reasons against the passing the Bill for Confirming the agreement made between Thomas Swartwout and Company of the one part, and Garrit Aertsens & Company of the other part.

At a Councill held at ffort William Henry this fourth day of October, 1701.

PRESENT —

The Honorable JOHN NANFAN, Esq^r, &c.,

SAMUELL STAATS, }
ROBERT WALTERS, } Esq^{rs}

THOMAS WEAVER, }
WILLIAM ATWOOD, } Esq^{rs}

Hendrick Hansen and Andries Coeyman Esq^{rs} from the Assembly Desire a Comittee of the Councill may meet a Comittee of the said house to conferr further about the amendmints made by this board to severall Bills sent from the Assembly.

Ordered, that the said Comittee do meet at three of the Clock this afternoon at the house of M^r Gabriell Tompson.

The Act to oblige Robert Livingston Esq^r to account &c read the second time and committed to the members of this board now present of which the Chief Justice to be one, and the honorable the Governor doth Recommend to the said Committee this amendment [That Mr Livingston have time till the five and twentieth of March next to account according to the purport of the said act.

At a Council held at ffort William Henry this sixth day of October, 1701.

PRESENT —

The Honorable JOHN NANFAN, Esq^r, &c.,

ABRAHAM DEPEYSTER,
SAMUELL STAATS,
ROBERT WALTERS,

} Esq^r

THOMAS WEAVER,
WILLIAM ATWOOD, } Esq^r

Mr David Jamison in pursuance of an order of the second Instant this day layd before the board his reasons in writing against passing the Bill for Confirming the agreement made between Thomas Swartwout and Company of the one part, and Gerrit Aertsen and Company on the other part which was read and ordered to be entered verbatim and follows in *hac verba*.

To the Hon^{ble} JOHN NANFAN Esq^r Governor and Comander in Chief of the Province of New York &c and the honorable the Council.

REASONS humbly offered by David Jamison one of the partners of Thomas Swartwout and Company against the passing of a Bill Intituled, An Act for Confirmation of a Certain agreement made by Thomas Swartwout and Company of the one part and Gerryt Aertsen and Company of the other part.

This humble Supplicant saving to himself and his other partners their further and other objections against the said Bill and praying a favourable Construction of what he shall offer to his honor the Governor and Council against the passing of this Bill saith,

First, That it is a private Bill and Concerns the property of sundry of his Majesties leidge Subjects; is said to be fram'd to prevent a Likelihood to occasion differences and snites at Law between the parties only, and therefore he conceives it ought to be desired by both parties or considered with due deliberation not precipitantly but the other party interested heard before the Assembly at least summoned, before leave is granted for the bringing in of such a Bill, and the petitioner was never summoned nor has Consented

Secondly, on Thursday night last being the Second of October instant this humble supplicant did attend to make some motion in Chancery when a motion was made for the passing of this Bill, when the honorable William Atwood Esq^r Chief Justice of this province was pleased to tell this supplicant that the Bill mentioned was a Bill wherein he was Informed that this supplicant had some Interest and that time was given till Munday next the sixth Instant for Swartwout and Company to bring their objections into Council against the passing the said Bill to which this supplicant (being Surprized) did desire a Sight of the Bill which was ordered accordingly. And the other partners to this Supplicant being each equally Interested are some of them Inhabitants at Waghighkemeek about one hundred and fifty miles distant from New York against which time there is no possibility for this Supplicant to give them the notice of this order in Council

Thirdly, It does not appear by the votes of Assembly that any petition was given in praying liberty to bring in this private Bill nor any order of Sumons. And this Supplicant has reason to believe that said Swartwout and Company were never served with any sumons to attend this Assembly on that behalf whereby they might have liberty to defend their rights or undeceive the members of that house where things may possibly have been falsely alleaged or suggested which he humbly conceives disagreeable to the Rules of parliament and practise of former assenblyes of this province.

Fourthly Coll^o Jacob Rutsen a member of this present Assembly is one of the partners of the said Aertsen and Company, and it does not appear by the votes that the rest of the Assembly were appraized thereof, and that he was ever ordered to withdraw at the time of Reading and passing this Bill. This Supplicant does not pretend to be acquainted with all the rules of parliament, but humbly Conceives it Incongruous and disagreeable to naturall Justice for a man to vote in his own cause.

Fifthly, this Supplicant does believe that it has been falsly Suggested that ever Coll^o Fletcher did Recommend it to both parties to Joyn their grants, forasmuch as it is to be seen upon Record that Aertsen and Company fell under the displeasure and censure of the Governor and Council for their Illegal proceedings in endeavouring to deprive or retard the other Company from reaping the Benefitt of that grant.

Council Book
May 14th
and
May 25th } 1701

Sixthly, That the purchasing of Land from the Indians in this province is a convenient but not a necessary qualification to a good title from the King, and many patents there are and Considerable tracts of Land granted where there never was an Indian purchase.

Seaventhly That the grant they had of Waghaghkemeck was moderate positive and Certain, and the just reward of the diligence and Industry of Swartwout and Company who were the first discoverers thereof at their great pains and Charge, and had the first and eldest grant.

Eighthly That some person who afterwards became one of Aertsens Company did promise a Considerable reward to retard the perfecting of Swartwout and Company their title by patent in the Secretaries office, untill the time of their grant should be out, promising at the same time to keep the Indians from giving them a deed in all that time in order to gett the grant thereof thereupon renewed to themselves which was rejected; Whereupon Aertsens Company was formed and application made for a grant of Two hundred acres vacant Land each to Twenty people in the great and little Minissineck Country, which is of vast Extent and Comprehends in it the Waghaghkemeck at which time some of them who solicited the taking out of this grant did declare that it was not the same land with Waghaghkemeck, and notwithstanding there are many thousands of acres of vacant land in the great and little Minissineck there are many Depositions and evidences against the said Aertsens and Company for obstructing the said Swartwout and Company to hinder their progresse and settlement, and it has not yett appeared that ever they have gone about by virtue of their grant to purchase any other Land than that which was granted to Swartwout and Company.

Ninthly, Sometime before and near the Expiration of the said Limittation of time for perfecting their title some of the Company of Swartwout brought down a Copy of an Indian deed to New York for some Land near Waghaghkemeck, wherein part of their Land as is sayd is Included and Comprehending other Land which is not in their grant, which deed was made to both Companies, and did acknowledge that some of the Company being tired out with the secret practices and disturbances given by the other Company did come to a verball agreement to purchase the Land in both grants in Company, but that they never signed nor Sealed any Instrument for the same, and that it was a meer farce upon them, and the time of their License allmost Elapsed when they putt in the Copy of said deed to the Councill, and Desired the same might be recorded which was done accordingly.

Tenthly, That they made application to the Governor and Councill for a patent for the land granted them, and the Governor and Councill being well apprised of the right of the said Swartwout and Company and the unjust and fraudulent practizes of the other Company did order their Patent for their quantity of Land formerly granted them before the Expiration of the time Limitted for the doing thereof although they knew the purchase was made in Company.

Eleaventhly, That the patent of the said Swartwout and Company has all the Legall Sanctions Required by his Majesties Letters patents for the making of a good title from the King.

Twelfthly, That the said Swartwout and Company are still and ever were ready to pay and Satisfie the Indian Consideration for what part of their patented Land is in the said purchase or to any other who have advanced the same, and purchased in their own wrong.

13^{thly} The Laws of England have Sufficiently Explained what a bargain for Land is and gives Sufficient remedy for breach of Contract or Covenant.

14^{thly} The said Supplicant humbly offers for reason against the passing of said Bill that this Aertsen and Company never did apply for a patent pursuant to their said grant, so that their License being Expired by its own Limitation is voyd nor can they thereby have any Land to be divided amongst the Company of Swartwout; And it were Contrary to Equity and the Intent of that Supposed agreement that they should partake of the Land of Swartwout and Company, and the said Swartwout and Company have no share or benefitt by their grant.

15^{thly} Because this Bill contains in it a Salvo to one William Tietsoort or his heires of Land within the said patent which the native Indians have given and conveyed to him, when this supplicant beleives it can be proved that this grant and Conveyance is all made to him by the Indians since the said Land was possessed and enjoyed by the said patentees and not before. And the passing of such a Bill with such Clause the Supplicant humbly Conceives (with deference to better opinions) will be a means to exalt an Indian title above the Kings grant. And it is notoriously known in this province how easily an Indian may be induced to sell the Land he pretends to many times over to sundry persons, and how uncertain are their own claims and many times various pretenders. This humble Supplicant has been informed that this Island Manhattans whereon stands this Considerable town of Newyork was never purchased from the Indians.

16^{thly} This humble supplicant does offer that in the last Assembly another Bill of differrent nature about the same agreement was brought in and passed and carryed to his Excellency the Earle of Bellomont deceased in his life time who was pleased in his great prudence to lay the same aside as not being proper to be passed.

17^{thly} This supplicant desires he may be admitted upon oath to declare unto this honorable board what reward hath been promised him lately by one of the said Company of Aertsen to

betray the Interest of his said partners and what he can discover of a mutuall contract in the time of the last Assembly for the gaining of votes to the passing of that former Bill.

By all which and the many hard usages which the said Swartwout and Company have wrongfully suffered from the other party in the Disturbance of their Right as well as possession, and the many proofs which they can bring he this humble supplicant does presume it will plainly be made appear to your honors that the first true clear equitable and Legall right to the Land of Waghaghkemeck does belong solely and Intirely to the said Swartwout and Company and that the other Company have only formed themselves from the beginning to Interrupt Circumvent and Supplant the first Company of the same land by methods and practices unwarrantable tending very much to the disturbance of the peace, which rather deserves punishment than Countenance.

He therefore humbly prayes that the said Bill be Rejected, and if does not seem good to the honorable Councill nor to his honor the Governor for the reasons and proofs which this Supplicant doth humbly offer at present to lay aside the said Bill; Inasmuch as the Chief matters relating this affair have been transacted in Ulster County and in Waghaghkemeck and other remoter places where the said Swartwout and Company and the greater part of the other Company do Reside, and this Supplicant hath not Resided, and the Evidences also remote he therefore craves that time be allowed to the other partners of Swartwouts Company to appear to the said Bill and to bring in their further allegations and Evidences before your honor and this honorable Board in some reasonable and Convenient time with regard to their distance and season of the yeare.

And humbly prayes your honor and the honorable board to give your opinion thereupon according to yo^r great wisdom and Justice, and your honors humble Supplicant shall pray &c

DAVID JAMISON.

October 6th 1701

Ordered, that the same be referred to be further Considered of on Thursday morning next.

At a Councill held at ffort William Henry, this tenth day of October, 1701.

PRESENT —

The Honorable JOHN NANFAN, Esq^r, &c.,

ABRAHAM DEPEYSTER, }
SIMPEL SEATS, } Esq^{rs}
ROBERT WALTERS, }

THOMAS WEAVER, }
WILLIAM AIWOOD, } Esq^{rs}

William Atwood Esq^r Chairman of the Committee of the Councill appointed to Confer with the Committee of the house of Representatives about the Bills does Report to this honorable board that the Bills sent down to the house of Representatives by the Governor and Councill on the five and twentieth day of September last, should be again sent up to the Governor and Councill and there read with the amendments the third time and passed the Councill and then be sent down to the house of Representatives for their assent to the said amendments.

These following Bills being brought up from the house of Representatives to this board were Read the third time together with the Amendments thereto annexed and passed the Councill, and ordered to be carried down to the house of Representatives for their assent to the said amendments, vizt

1st An Act for Incouraging the City of New York.

2nd A Bill for regulating the forces in the County of Ulster.

3rd An Act for the more Regular proceedings in the Election of Representatives for the severall Cities and Counties in this province.

4th An Act for Repealing An Act of the Generall assembly of this province Intituled An Act for defraying the publick and necessary charge throughout this province, for maintaining the poor and preventing vagabonds, and for the appointing a more effectuall meenes for defraying the publick and necessary charge in each City and County, and for maintaining the Poor and preventing Vagabonds.

5th An Act for Confirmation of a Certain agreement made by Thomas Swartwout and Company of the one part, and Gerrit Aertsen and Company of the other part.

6th An Act to Oblige Robert Livingston Esq^r to account according to the purport of An Act Entituled An Act for appointing and enabling Commissioners to take and state the publick accounts of this province.

7th An Act for allowance to the Representatives

8th An Act for the setting and amending the Highways and roads in the County of Ulster.

9th An Act for the destroying of Wolves in the County of Ulster and Westchester.

10th An Act to Inforce the owners and possessors of unimproved Lands in the County of Albany Westchester Richmond and Orange to pay their proportion of their quitt rents and taxes, raised for the support of the Governem^t and other County Charge.

Ordered, that Samuell Staats and Thomas Weaver Esq^s do carry the said Bills to the house of Representatives.

The honöble the Lientenant Governor and Councill having this day taken into Consideration the objections made in the last Councill by M^r David Jamison as well in writing as personally against passing a Bill Entituled An Act for Confirmation of a certain agreement made by Thomas Swartwout and Company of the one part, and Gerryt Aertsen and Company of the other part, and heard what was offerred on the other side for the said Bill, are of opinion

1st That M^r Jamison and Company have no reason to object want of notice since as appears by the Copy of the Journall of the house of Representatives they were fully heard in a former Sessions upon the meritts of the same Bill in Substance.

2^{dly} That by what M^r Jamison has confessed by writing and word of mouth, and by the papers he produced it appears:

1st That thö the Company under which he claims had the first License from the then Governor to purchase of the Indian proprietors they made no purchase in the time limited by the License.

2^{dly} That the License was to six persons to purchase each of them two hundred acres within a particular district.

3^{dly} That Aertsen having an Interest with the Indians prevented their selling to Swartwout and Company And Aertsen and Company thereupon procured a License to purchase four thousand acres within a larger district which comprehends the lesse out of which the others had License to purchase twelve hundred acres

4^{thly} After this Swartwouts License being expired, and disputes arising between the two Companies who ought to be allowed first purchasers both Companies agreed before severall Justices of the peace in the County to purchase together according to the severall proportions recorded or attested by those Justices and in pursuance thereof purchased and paid their moneys accordingly as is owned by M^r Jamison

5^{thly} Notwithstanding which Swartwout and Company applying themselves to M^r Jamison who was then Deputy Secretary, they and M^r Jamison in October one thousand six hundred ninety seven obtained a patent from Governor Fletcher of twelve hundred acres wherever they should think fitt to take them within the district mentioned in their Expired License.

6^{thly} Aertsen and Company have kept possession hitherto according to their purchases, the twelve hundred acres have never been ascertained, and as the patent to the others to chuse where they pleased without ascertaining the bounds was of dangerous Consequence at the first it appears more so at this day.

7^{thly} It being a great Question what remedy can be in this matter by Law or the Ordinary Rules of Equity which cannot be pursued in vacating patents upon which the Chancery Judges as a Court of Comon Law the interposition of the Legislature seems necessary.

8^{thly} That if the said Bill pass their being yett no patent for more than twelve hundred acres of the four thousand purchased in Company 'tis reasonable that there should be one or more patent or patents according to the purchases of the Indians.

At a Councill held at the City hall of the City of New York this Eleaventh day of October, 1701.

PRESENT —

The Honoble JOHN NANFAN, Esq^r, &c.,

ABRAHAM DEPEYSTER, }
SAMUELL STAATS, } Esq^{rs}

ROBERT WALTERS, }
WILLIAM ATWOOD, } Esq^{rs}

Cornelius Sebering and Henry fowler Esq^s from the assembly Desired that the oaths might be administered to Coll^o Caleb Heathcote, Captain Thomas Hicks and M^r Jonathan Smith before his honor in Councill to qualifie them to sitt and act as members of the house of Representatives for which they were elected which was done.

At a Councill held at ffort William Henry this fifteenth day of October, 1701.

PRESENT —

The Honoble JOHN NANFAN, Esq^r, &c.,

ABRAHAM DEPEYSTER, }
SAMUELL STAATS, } Esq^{rs}
ROBERT WALTERS, }

THOMAS WEAVER, }
W^m ATWOOD, } Esq^{rs}

John Depeyster, David Provoost, Hendrick Hansen, Cornelius Sebering &c from the Assembly layd before the Governor in Councill an Adresse from the house of Representatives to his Majesty together with

An Act for granting an additional duty to his Majesty

An Act for the speedy repairing the forts of Albany and Schenectady ; And

An Act for the quieting Settling and Confirming the Rights and possessions of Thomas Lawrence, William Lawrence, Robert Bruges, Bragoon Bragar, Hendrick Martinsen, George van Alts, John Lawrence, Andrew van Alts, John van Alts, John Pearsall and other ancient free holders possessors of Land and Inhabitants of a tract of Land called Hellgate Neck within the bounds of Newtown on Long Island, now called the Island of Nassau, and vacating all under patents &c

The Secretary of this province produced to the board a Letter directed to him intended a Return of the high Sheriff of the County of Suffolk of the writ to him directed for the election of Representatives for the said County which was ordered to be entered in the Councill book and follows in *hæc verba* :

SUFFOLK. *Mr High Sheriff.*

Wee the freeholders of this County of Suffolk being mett together according to precept and finding that the writts presented to us for the Election of other Representatives therein Required do contain an Infringment of our Liberties not allowing us to chuse whom we think fittest to trust in that affair, and so may be a president for our further thralldome wherefore we cannot at present incline to any further choice having allready Elected for this Assembly two Sufficent and Legall persons (in our esteem) of approved fidelity to his Majesty and who are no aliens but naturall born Englishmen and in their different Capacities have served in many Assemblies (in time of wars) of greater Concernment than this present Assembly is or can be of and have acquitted themselves as faithfull and upright both to the Kings Majesty, and to this province, neither is this County as yett convinced of any fault that they have Comitted why we should reject them, on which Consideration we acquiese in our former choice of them which hath been free and without Restraint upon our Liberties as English men. Soe we bid you farewell.

Signed (Nemine contradicente) COUNTY OF SUFFOLK

October y^e 8th 1701 at Southold

The above mentioned is the Result of the County of Suffolk.

JOHN MULFORD, Sher. *Locus
Sigilli.*

Ordered, that an Exprese be dispatched with a summons for John Mulford Esq^r High Sheriff of the County of Suffolk to appear before this board Immediately on the Receipt of the said summons.

The Act for granting an additional duty to his Majesty and the Act for the speedy repairing the forts of Albany and Schenectady were read the first time.

Ordered, that the Letter to the Assembly from the persons Elected to be Representatives of Westchester and Queens Counties brought to the Governor from the said house by Ryer Schermerhoorn and Cornelius Van Brunt Esq^{rs} together with the reasons of a Committee of the house of Representatives for prosecuting of them be entred in the Councill book Literatim and follow in *hæc verba* :

Gentlemen,

Wee whose names are hereunto subscribed being elected Representiues in Quens Countey & Westchester Countey in the Roome of others tow serue in this Genrall Asembley do giue ouer-attendance and haue taken the oth test & assoliations to testefie ouer redey nes & zeale for y^e seruice of his Most sacred majasteys & ouer Contrey y^e greate & prinseabel end for which we were caled to gether.

Y^e complaint & Clamer of the people are so great that we think it overey nesesity & meete before we proseed to acte with you that we & the people whome we represent have full satisfacion that you are a house legley and wrightly constuted with out which it can neuer be Expected that we can safley proseed nor the people giue chearefull obeadiance & think ouer actes binding that we may not be wanting in our Dutey in this respect to his most sacred Maiastey and ouer Contrey, we presume Gentelmen to aquainte you that it is the comon reporte of y^e people and we are Credably informed that some of you haue used uerey indrect & ouerwarteabel menes to procuer youre selues to be Elected & returned as members of the asambley, and that one y^e 20 day of onghost lost the house consisted of 21 persons wheare of the Specker was one, ten of the number did in the house chalings the Specker to be ouunquallified for being an aliane & afterwarde did Repetet the same to the Govner, which they haue all so giuen under theare handes ovpon which heed the house being equally deuided could giue no Desison.

That it appeares by youre ovotes that ten of you with the Speacker thus sircumstanced have presumed to acte, and to strenthen youre number haue rooted out sunn of the other tenn & taken in tow others in theare roome who are sayd not to be elected by the peopel, and that you are preparing to mack abill to deprive maney of his maiustes english Subgetes from theare

nates wright of voteing for assembeylemen and the people in each respetef Countey from chusing pearsons to Examione theare one publeeke Deptes all which are against the wrightes of and privelegy of his maiastes fre borne English Subgetes the Lawes of England and this provence and soo Gentelmen

We are humbeley of apinion that all the aboue mentioned artukels are not for his maiastes serues, nor the well fare of this provence but absolutly Destrutef to the same, and till you giue us further satisfaxion, and the Specker clear himself from being an Alian we cannot acte with you to site and spend ouer time and the Contres mony to make acts that will be voyd in themselves.

Signed { Tho Willet
John Talman
William Willet.

September the 13th day, 1701.

House of Representatives, the 23th September, 1701.

At a Committee to draw Reasons for prosecuting Thomas Willet John Tolman and William Willet.

Isaac De Reimer reports these following:

That it appeareth by the said paper as well as by the Journall of the house that this was Contrived and Subscribed before they had been in the house to observe any transaction there and yett they presume to take upon them the Judgment of the Qualifications of members and to take notice of the proceedings of the house which is a manifest breach of its priviledges and of dangerous example.

2^{dly} They reflect not only upon this house, but upon the Governor who approved of the Speaker and whereas in their barbarous English Its writt "one the 20 day of Ougost last "the house Consisted of 21 persons who are of the Specker was one tenn of the members did "in the house chalings the Specker to be unqualified for being an Aliane, and afterwarde "did repetet the same to the Gouner which they have also given under theare hands upone "which heed the house being equally devided could give no Disison.

The truth of this matter is thus

on the nineteenth day of August the house being ordered to proceed to Chuse their Speaker ten of the Twenty one chioose M^r Abraham Gouverneur, against whom there was then no objection upon Suspition of his being an Alien, and nine endeavoured to chuse M^r Nicoll but the Election having fallen upon M^r Gouverneur the whole house in a body presented M^r Gouverneur to the Lieuten^t Gouvernor in Councill where M^r Gouvernor would have disabled himself but the Lieu^t Governor finding no objection from any one member approved of the choice which then appeared to be unanimous, upon which they returned to the house and an objection being made against M^r Nicoll and M^r Wessells as Chosen contrary to a late act and therefore not qualified to serve they as was usuall were ordered to withdraw till that matter should be determined, and yett they two with other eight came the next morning and then objected against M^r Gouverneur as if they had been informed since that M^r Gouverneur was an alien, and yet they could not but know that the same objection had been made in a former assembly when it appeared upon Examination that he is within an act of naturalization which has never been repealed. Notwithstanding which the two who had no authority to act as members till the Question concerning their Capacities to sit was over together with other eight had the assurance to go in a body to the Governor to complain of a matter wherein they had concluded themselves, besides that their objection if made in time could have had no effect, and since that, as we are given to understand not only by this paper but otherwise they have putt their complaint in writing, and have sent the same to England, after which we desire that Enquiry may be made in order to the punishment of such seditious practices.

3^{oly} These persons are guilty of a great Contempt of his Majties writt in pursuance of which they were chosen, and of the trust reposed in them, to act as members of this house, and yet they refuse to act without such conditions as they well knew would not be comply'd with, nor can without admitting that these three ought to govern the house and that the votes of the farr greater part ought to yeild to those three who while they argue that the house could not decide the Question concerning the Speaker are so inconsiderate as not to observe that the Question had been over and the due Qualifications of the Speaker agreed to by all in effect, and that when the objection was first started there were but Eight persons qualified to object against not only the choice of ten but the Submission and approbation of twenty.

4^{thly} These persons having in their barbarous Language used these words "Till you give us "further satisfaxion and the Specker clear himself from being an Aliane we cannot act with you "to site and spend our time & the Contres money to make actes that would be voyd in "themselves, would not only really inferr that their satisfaction is Requisite to the making the acts of this assembly of force but are guilty of a high contempt of that authority by which it sits and acts, Disowing that authority and labouring to stir up the people of this

province to sedition and give advantage to a foreign power upon divisions purposely raised by them and their accomplices

Which was read and approved of

By order of the house of Representatives

ABRAHAM: GOUVERNEUR, Speaker.

The Attorney Generall is hereby ordered to prosecute the said persons at the next Supreme Court.

At a Councill held at ffort W^m Henry, this sixteenth day of October, 1701.

PRESENT —

The Honoble JOHN NANFAN, Esq^r, &c.,

ABRAHAM DEPEYSTER, } Esq^{rs}
SAMUELL STAATS, }

ROBERT WALTERS, } Esq^{rs}
WILLIAM ATWOOD, }

Ordered, that the Clark of the Councill do prepare and bring in a Bill to morrow morning for Supplying the defects of the Act for settling the Militia made in the third year of his present Majties Reigne.

At a Councill held at ffort William Henry, this seaventeenth day of October, 1701.

PRESENT —

As yesterday.

The Clark of the Councill layd before the board An Act for supplying the defects of a late Act for Settling the militia prepared by him in obedience to an order made yesterday for that purpose, which was read the first and second time and Comitted to the members of this board or any three of them.

William Atwood Esq^r Chairman of the Comittee to whom the Act for supplying the defects of the Act for Settling the militia does Report to this honöble board that the same do passe without any amendment.

Whereupon the said Bill was read the third time and passed the Councill, and ordered the same be sent down to the house of Representatives for their assent, and M^r Walters to carry the same.

An Act for payment of the debts of the Government made in the late happy Revolution being brought to the Governor by members of the house of Representatives appointed thereunto was read the first time.

An Act for granting an additional duty to his Majesty and An Act for the Speedy Repairing the forts of Albany and Schonectady were read the second and third time and passed the Councill.

Ordered, that M^r David Jamison do appeare before this board to morrow morning by Eight of the Clock and offer his further Reasons if any he have why the Act for confirming the agreement made by Thomas Swartwout and Company of the one part, and Gerryt Aertsen and Company of the other part should not passe into a Law of which he is to have notice.

Ordered, that the Clark of the Councill do Insert the amendm^{ts} in the body of the Bills which have passed the Councill with amendments, the house of Representatives having Consented thereto.

At a Councill held at ffort William Henry, this eighteenth day of October, 1701.

PRESENT —

The Honoble JOHN NANFAN, Esq^r, &c.,

SAM^l STAATS, } Esq^{rs}
ROBERT WALTERS, }

THOMAS WEAVER, } Esq^{rs}
W^m ATWOOD, }

Ordered, that the Amendment made by the house of Representatives to the Bill for Supplying the defects in a late Act for Settling the militia be inserted in the body thereof.

The Councill agreed to the amendments made by the house of Representatives to the Bill for Incouraging the City of New York, and the Clark of the Councill pursuant to their order

inserted the same, together with the amendments made by the Council to which the house of Representatives had agreed in the body of the said Bill.

Pursuant to an order of this board made yesterday Mr Jamison appeared before this board but offered no further reasons against passing the Bill for Confirming the agreement made by Thomas Swartwout and Company of the one part and Gerryt Aertsen and Company of the other part than he had formerly done.

The petition of Jacob Leisler read praying the Bill passed the house of Representatives for paying the debts of the Government during the late happy Revolution and brought up to this board may passe this session which petition was favourably Received by the Governor and whole Council no man objecting against the matter of the same only forasmuch as the assembly had satt very long and it was Reasonable it should be at present dismissed the further Consideration of the same is Respited to the next sessions of the Assembly.

The Governor gave the Assent to the ten Bills passed the Council the tenth Instant, and also to

11. An Act for granting an Additionall duty to his majesty.

12. An Act for speedy repairing the forts of Albany and Schoneclady. And

13. An Act for supplying the defects of a late Act of Assembly for settling the Militia, Enacting them, and ordering them to be enrolled.

The Governor sent the messenger of the Council to the house of Representatives to desire their Immediate attendance in Council, where they being present, the Governor acquainted them that he had passed severall acts, and the titles thereof were read, and desired their attendance to the City hall to have them published and prorogued the Assembly to the third Tuesday in March and they were thereby prorogued accordingly.

Then the Governor Council and Assembly proceeded to the City hall where the said Laws were published.

EIGHTH ASSEMBLY SECOND SESSIONS.

At A Council held at ffort William Henry, this one and Twentieth day of April, 1702.

PRESENT—

The Honoble JOHN NANFAN, Esq^r, &c.,

ABRAHAM DEPEYSTER, }
SAMUELL STAATS, } Esq^r
ROBERT WALTERS, }

THOMAS WEAVER, }
WILLIAM ATWOOD, } Esq^r

The Lt Governor prorogued the Assembly till to morrow morning severall of the members not being yet come to Town.

At A Council held at ffort William Henry, this two and Twentieth day of April, 1702.

PRESENT—

As yesterday.

The Clark of the Assembly acquainting the Lieutenant Governor in Council that Eleaven of the members were in Town, he desired their attendance immediately which being done and the Speaker being present with them before this board the Lieutenant Governor said:

Lt Govrs Speech. Gentlemen,

The Clearfullnesse with which the sound part of you gave the additionall Revenue, and the moderation which you showed to others, assured me of an happy effect of this meeting.

Indeed I had promised my self that the proceedings of your whole body would have been agreeable to that unity and unanimity which I so earnestly recommended to you at the opening of the last sessions, but they who refused to joyn with you in serving his Majtie and the publick have since made it more evident than I could have imagined, that nothing lesse than having the Government in their hands could satislie 'em, and their chief managers have shewn such disaffection to his Majesty and his Government, as nothing but the Execution of the Laws can Conquer.

If there be any points wherein the Law of England cannot yet have its full Course here, through the different Circumstances of place, I shall be ready to concur with you in proper methods for supplying such defects, and in all other matters which you can Reasonably propose for the good of this province.

I think it my duty to Recommend to you the Consideration of proper methods for the Support of the publick credit that the Souldiers may be more certain, and the fortifications putt into a good posture of Defence, and I doubt not but your Loyalty to his Majesty King William will prompt you to shew your Resentment of the Indignity offered his Majesty, and the English nation by the french King in pretending to sett up an Impostor for King of England and those other dominions of which France it self is known to be part, being within his present Majesties Rightfull style.

And in humble Imitation of the great Example of the Comon father of us, and his numerous happy people I can't but presse that there be no distinction heard of among us for the future but of those who are for the protestant Religion, and the present Establishment, and of those who mean a popish prince and a french Government.

Then they withdrew.

At a Councill held at ffort William Henry, this seaven and twentieth day of Aprill, 1702.

PRESENT—

The Honoble JOHN NANFAN, Esq^r, &c.,

ABRAHAM DEPEYSTER, } Esq^{rs}
ROBERT WALTERS, }

THOMAS WEAVER, } Esq^{rs}
WILLIAM ATWOOD, }

Jacob Rutzen and Isaac De Riemer Esq^{rs} from the Assembly layd before this board a Bill for outlawing Phillip french and Thomas Wenham merchants, and enforcing processe of Outlawry.

A Bill for paying the debts of the Government made in the time of the late happy Revolution And

A Bill for granting unto the City and County of New York, Kings County, County of Richmond, County of Orange and County of Westchester equall priviledge with the other Cities and Counties in this province, for the probate of Wills and granting Letters of Administration.

The Bill for outlawing Phillip french and Thomas Wenham merchants and enforcing process of Outlawry was read the first time.

At a Councill held at ffort William Henry, this Eight and Twentieth day of Aprill, 1702.

PRESENT—

As yesterday.

The petitions of severall persons who either themselves or their Ancestors lived in this province under the Government of the Dutch nation and during that time purchased for valuable Considerations at publick vendues and otherwise Lands and Tenements according to their Law and usage from the widdows and Administrators who thereby had power to sell the same, praying that An Act of Assembly may passe effectually to quiet their possessions and to make valid the said sales of the said Lands and Tenements so made together with what Collatterall Conveyances have been since made thereon and the same is hereby Recommended to the Consideration of the Gentlemen of the Assembly.

The Bill for paying the debts of the Government made in the time of the late happy Revolution, and the Bill for granting unto the City and County of New York, Kings County, County of Richmond, County of Orange and County of Westchester equall priviledge with the other Cities and Counties of this province for the probate of Wills and granting Letters of Administration were read the first time.

The Bill for outlawing Phillip french and Thomas Wenham merchants and enforcing processe of Outlawry was read the second time and Comitted to Abraham Depeyster, Samuëll Staats, Robert Walters, Thomas Weaver and William Atwood Esq^{rs}

At a Councill held at the City of New York, this Thirtieth day of Aprill, 1702.

PRESENT —

The Honoble JOHN NANFAN, Esq', &c.,

ABRAHAM DEPEYSTER, }
SAMUELL STAATS, } Esq'
ROBERT WALTERS, }

THOMAS WEAVER, }
WILLIAM ATWOOD, } Esq'

The Bill for outlawing Phillip French and Thomas Wenham merchants, and Enforcing processe of outlawry, together with the Amendments made thereto by the Gentlemen of the Councill to whom the same was referred, being read the third time is passed, and this board do order the Clark of the Councill to carry the same to the house of Representatives for their assent to the said amendments.

Which being done and the said Bill being Returned to this board with their assent to the said amendments It is

Ordered, that the Clark of the Councill do amend the same according thereto.

The said Bill being amended accordingly the Governor gave the assent thereto Enacting it and ordering it to be Enrolled.

At a Councill held at the City of New York, this first day of May, 1702.

PRESENT —

The Honoble JOHN NANFAN, Esq', &c.,

ABRAHAM DEPEYSTER, }
ROBERT WALTERS, } Esq'

WILLIAM ATWOOD, Esq',
SAMUELL STAATS, Esq', sick,

The rest out of Town.

The Bill for Continuing the Comissioners of accounts for one yeare longer.

The Bill for better Regulating the Elections of Trustees and Magistrates for the Town of Kingston in the County of Ulster.

A Bill for declaring Confirming and Explaining the Liberties of the City of New York relating to the election of their Magistrates And

A Bill for augmenting the number of the Representatives of this province to serve in the Generall Assembly, being layd before this board by the Governor the same having been Delivered to him by members of the house of Representatives appointed thereunto Were read the first and second time and Comitted to Abraham Depeyster Samuell Staats Robert Walters and William Atwood Esq' or any three of them.

The Bill for paying the debts of the Government &c read the second time.

The house of Representatives by a Committee of the said house appointed thereunto having presented to the honoble the Lieutenant Governor the most humble Adresse of the house of Representatives of this his Majesties province of New York in Generall Assembly Conveened and desired his honor to send the same to England by the first opportunity in order that it might be layd before his Majtie the Governor produced the same before this board and it was there read and ordered accordingly.

Post Meridiem.

PRESENT —

The Honoble JOHN NANFAN, Esq', &c.,

ABRAHAM DEPEYSTER, }
SAMUELL STAATS, } Esq'
ROBERT WALTERS, }

THOMAS WEAVER, }
WILLIAM ATWOOD, } Esq'

William Atwood Esq' Chairman of the Committee of the Councill to whom severall Bills were referred does report to this honoble Board that the Bill for Continuing the Comissioners of Accounts for one yeare longer,

The Bill for the better regulating the Elections of Trustees and Magistrates for the Town of Kingston in the County of Ulster and

The Bill for declaring Confirming and Explaining the Liberties of the City of New York relating to the Election of their Magistrates do passe without any amendment. And that the Bill for augmenting the number of the Representatives of this province to serve in Generall Assembly do passe with this amendment only In page the second Line the second the word [three] to be obliterated and the word [two] Inserted.

David Provoost and Cornelius Sebering Esq^r from the house of Representatives layd before this board the Bill for Continuing the Revenue Established by Law unto his Majesty for two yeares longer.

By order of this board the Bill for augmenting the number of the Representatives of this province to serve in Generall Assembly was Delivered to the said David Provoost and Cornelius Sebering to carry to the house of Representatives for their assent to the said amendments.

The said persons being Returned with the said Bill to this board, the house of Representatives having consented to the said Amendment. This board do order the Clark of the Council to amend the same accordingly. Which was done in Council.

The Bill for paying the Debts of the Government made in the time of the late happy Revolution.

The Bill for augmenting the number of Representatives of this province to serve in Generall Assembly.

The Bill for Continuing the Commissioners of accounts for one yeare longer.

The Bill for declaring Confirming and Explaining the Liberties of the City of New York relating to the Election of their Magistrates and

The Bill for the better Regulating the Elections of Trustees and Magistrates for the Town of Kingston in the County of Ulster were read the Third time and passed the Council.

The Bill for Continuing the Revenue Established by Law unto his Majesty for two yeares longer was read the first second and Third time and passed the Council.

The house of Representatives being present before this board the Governor signed the following Bills Enacting them and ordering them to be enrolled under the seale of this province, vizt

2. The Bill for paying the debts of the Government made in the time of the late happy Revolution.

3. The Bill for Continuing the Revenue Established by Law unto his Majesty for two yeares longer.

4. The Bill for the better Regulating the Elections of Trustees and Magistrates for the town of Kingston in the County of Ulster.

5. The Bill for declaring Confirming and Explaining the Liberties of the City of New York relating to the Electing of their Magistrates.

6. The Bill for Continuing the Comissioner of accounts one year longer. And

7. The Bill for Augmenting the number of Representatives of this province to serve in Generall Assembly.

Then the Lieutenant Governor told the Assembly that they might go to their house and adjourn themselves to what time they thought fitt, and that he desired their attendance on him to publish the Laws to morrow morning.

After which the Speaker sayd

May it please your Honor.

I am comanded by the house of Representatives to acquaint your honor with their sentiments That next to their most hearty Expressions of Loyalty to our most Rightfull Sovereign King William which they have made by doing every thing in their power to Support his Government in this province, and to discourage those who are enemies to it. They do with the greatest service of gratitude acknowledge your honors constant zeale for his Majesties service and the good of this province ever since his Majesty has been pleased to make us happy and to honor you with this government, of which you have given such convincing proofs, that they and their posterities have reason to pray, that the warm Influences of his Majesties favour, and the eternall Blessings of futurity may compensate them to your honors person and family for ever.

The Lieutenant Governor favourably received the same and thanked them for their kind Expressions. Whereon they withdrew.

At a Council held at ffort William Henry this Second day of May, 1702.

PRESENT—

The Honoble JOHN NANFAN, Esq^r, &c.,

ABRAHAM DEPEYSTER, }
ROBERT WALTERS, } Esq^rs

THOMAS WEAVER, }
WILLIAM ATWOOD, } Esq^rs

A Message from the Assembly by Isaac De Riemer and Adrian Gerritse Esq^rs laying before this board the petition of Thomas Weaver Esq^r Collector of the Customs and Receiver Generall of this province preferred to them this day which was read. On consideration thereof It is hereby

Ordered, that a Letter be framed and transmitted to the Right hon^{ble} the Lords of the Council of trade and plantations in favour of the said Thomas Weaver humbly Requesting their Lordships to Represent the said matter favourably to his Majesty.

[IN EXECUTIVE SESSION.]

At a Councill held at the City of New York this third day of May, 1702.

PRESENT —

His Excellency Edward Lord Cornbury, &c.,

ABRAHAM DEPEYSTER, }
SAMUELL STAATS, } Esq^{rs}
ROBERT WALTERS, }

THOMAS WEAVER, }
WILLIAM ATWOOD, } Esq^{rs}

Ordered, a Proclamation issue forthwith DISSOLVING the Assembly and Declaring that a New one shall be called as soon as possible for his Majesties service.

NINTH ASSEMBLY FIRST SESSIONS.

*At a Council held at the Town of Jamaica in Queens County on the Island Nassau this
20th day of October, 1702.*

PRESENT — *His Excellency* EDWARD Viscount CORNBURY, &c.,

WILLIAM SMITH,
SA: SH: BROUGHTON, } Esq^{rs}
W^m LAWRENCE, }
GERRARD BECKMAN, }

RIP VAN DAM, } Esq^{rs}
CALEB HEATHCOTE, }
JOHN BRIDGES, Do^r of Laws.

The Clark of the Assembly having acquainted his Excellency that twelve of the members of the Generall assembly were in Town and were now Conveened together, his Excellency Comanded the Clark of the Council to acquaint them that if they were in Readynesse his Lordship would send some of the members of the Council whome by *Dedimus potestatem* he had Impowered for that purpose to administer the oathes appointed by act of parliament to be taken instead of the oathes of Allegiance and Supremacy and the Test by them.

The Gents of the house of Representatives Returning that they were ready to receive his Lordships Comands.

Coll^o W^m Smith and John Bridges Doctor of Laws went and Administered the said oathes and Test to them.

Ordered, that the Clark of the Council do acquaint the house of Representatives that his Excellency desired their Attendance Immediately at the Council Chamber; And they accordingly Attending his Excellency Desired them to Repair to their house and Choose a Speaker and attend him with their Speaker.

The sd members of the house of Representatives being Returned they presented William Nicoll Esqr to be Speaker of the house of Representatives of this province.

His Excellency Confirmed their Choice Whereon the Speaker in the name of the house of Representatives Demanded his Lordships Confirmation of their ancient Rights and priviledges, and that the same might be entred verbatim in the Council book, which being granted was ordered accordingly and follows *in hæc verba* (vizt)

The freedom from arrests for themselves and Servants during the Sessions as usuall;
freedom of accesse to his Lordship upon all occasions relating to their present service;
freedom of Debate and speech in their house and a favourable and Candid Construecon of all their words, with all other the ancient priviledges usages and Customs of the Generall Assembly of this province.

Then his Excellency made the following Speech to the house of Representatives :

Gentlemen,

When I first left England, to come into this Province, I did resolve at my first Arrival, to call a General Assembly, hoping to find all Things here in so good a Posture, that I should have had nothing to do, but to apply myself, with your Assistance, to the putting this Country into a Posture of Defence, against the War, which I expected every Day would break out. It was an extreme Surprize to me, to find this Province, at my Landing, in such a Convulsion, as must unavoidably have occasioned its Ruin, if it had been suffered to have gone on a little longer. The many Complaints that were brought to me, against the Persons I found here in Power, sufficiently proved against them, and the miserable Accounts I had of the Condition of our Frontiers, made me think it convenient to delay my meeting of you in General Assembly, till I could inform myself in some Measure, of the Condition of this Province, that I might be able to offer to your Considerations, some few of those Things, which will be necessary to be done forthwith for the Defence of the Country. The first Thing which I earnestly recommend to the Care of you, Gentlemen of the House of Representatives, is the providing for the Defence of the City and Port of New-York, which seem to me to be much exposed; and likewise for the Defence of our Frontiers, which I have found in a much worse Condition than I could have imagined; the Soldiers being naked and almost unarmed; and the Forts in Reality defenceless, so that it will be absolutely necessary, in the first Place, to provide such Sums of Money, as may be necessary for the making some Works, that will be proper for the Defence of the Country, and for the raising of 200 Men, which I think absolutely necessary to be placed at Albany and Schenectady, for the Defence of the Frontiers this Winter. I hope the Representations I have sent Home will have that good Effect, that her Majesty will give such Directions, that the Burthens here may be made Lighter; however in this Time of Exigency, I earnestly recommend to you a Dispatch of these Things, and you may assure yourselves, that whatever Sums shall be

granted by you, shall be applied to those Uses only, for which they were given, of which you shall have an Account at your next Meeting. There are some other Things, I think it my Duty to recommend to you, particularly the preparing a good Bill, for the better regulating the Militia of this Province, another for the Erecting of publick Schools in proper Places, another for appointing a convenient Number of fit Persons, to examine and state the publick Accounts and Debts of this Province; that when the Debts are known, such proper Methods may be taken for the Payment of them in due Time, as will best suit the Condition of the Province; these and all other Bills, which shall appear to be necessary to be pass'd into Acts, for the good of this Country, and for the Preservation and Encouragement of the People, shall always find a ready Compliance from me.

Now, Gentlemen, I have no more to trouble you with, but to assure you, in the Name of the great Queen of England my Mistress, that you may safely depend upon all the Protection that good and faithful Subjects can desire, or expect from a Sovereign, whose greatest Delight is in the Welfare of her People; under whose auspicious Reign, we are sure to enjoy, what no Nation in the World dares claim, but the Subjects of England, I mean the free Enjoyment of the best Religion in the World, the full Possession of all lawful Liberty, and the undisturbed Enjoyment of our Freeholds and Properties: These are some of those many Benefits, which I take the Inhabitants of this Province, to be well entitled to by the Laws of England, and I am glad of this Opportunity to assure you, that as long as I have the Honour to serve the Queen, in the Government of this Province, those Laws shall be put in Execution, according to the Intent with which they were made, that is for the Preservation and Protection of the People, and not for their Oppression. I heartily rejoice to see, that the free Choice of the People, has fallen upon Gentlemen, whose constant Fidelity to the Crown, and unwearied Application to the Good of their Country, is so universally known.

Ordered, that a Message be sent to the house of Representatives acquainting them of the usage and Custom of the parliament of England to appoint a Chaplain to read prayers to them every morning before they proceed on business that day and to desire that they will do the same, and

Ordered, that Caleb Heathcote Esq^r and John Bridges Doctor of Laws do carry the said message.

Adjourned till Eight of the Clock to morrow morning.

At a Councill held at Jamaica in Queens County this 21th of October, 1702.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

WILLIAM SMITH,
SA: SH: BROUGHTON, } Esq^{rs}
RIP VAN DAM, }

WILLIAM LAWRENCE, } Esq^{rs}
CALEB HEATHCOTE, }
JOHN BRIDGES, Do^r of Laws.

Coll^o Caleb Heathcote and Doctor John Bridges acquainted this board that they had Dd the Message yesterday sent by them to the house of Representatives

Adjourned till Eight of the Clock to morrow morning.

At a Councill held at Jamaica this 22th day of October, 1702.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

WILLIAM SMITH,
SA: SH: BROUGHTON, } Esq^{rs}
W^m LAWRENCE, }

GERRARD BEEKMAN, } Esq^{rs}
RIP VAN DAM, }
JOHN BRIDGES, Do^r of Laws.

Ordered, that the Attorney Generall do prepare a Bill for the effectnall Discovering the debts of this Government and Coll^o W^m Smith and Rip van Dam Esq^r are hereby desired to assist him therein.

Adjourned till two of the Clock in the afternoon.

Post Meridiem

PRESENTIBUS —

Esidem

Phillip French and Thomas Codrington Esq^{rs} brought a Message from the house of Representatives Desiring to know when his Excell will please to be attended with the Address of the said house.

His Excellency acquainted them that he was ready to receive the same.

Whereupon the Speaker attended with the whole house of Representatives, addressed his Excellency in the words following

May it please your Lordship,

The Representatives of the People of this Colony, now convened in General Assembly, are under the greatest Obligations to render your Lordship their grateful Acknowledgment, for your Excellency's most kind and agreeable Speech; which they humbly offer with all imaginable Sincerity. They are deeply sensible of the Misery and Calamity this Country lay under at your Excellency's Arrival, and could heartily wish there had been no Reason, for those just Complaints, or the true Observations of the Condition of the Country your Lordship has made, but are not able sufficiently to express the Satisfaction they have, both in their Relief and Deliverer. They entirely believe they cannot be happier, than under the Reign of so good and so great a Princess, as her Sacred Majesty the Queen, especially since the Care of her Subjects in these Parts, is committed to a Person of your Lordship's generous and noble Character, so sensible of the Rights of the English Subjects, and so willing to put the Laws into Execution, which are the Defence and Security of those Rights. They are pleased to the greatest Degree, to find themselves in your Lordship's favourable and good Opinion; they hope, and shall make it their utmost Endeavour to continue it, by their cordial Affection and steady Faith to the Crown, their Duty, Regard and Gratitude to your Lordship, and their just Concern and Love for their Country.

Then they withdrew.

It is the opinion of this board that a Message be sent to the house of Representatives desiring them to appoint a Committee of their house to meet Coll^o W^m Smith, Sa: Sh: Broughton Esq^r and John Bridges Do^r of Laws appointed a Committee of this board in order to the preparing an Adresse for Congratulating her Majtie on her happy Accession to the Crown, And

Ordered, that Rip van Dam Esq^r and John Bridges Do^r of Laws do Carry the sd Message. Which they did accordingly.

Adjourned till ten of the Clock to morrow morning.

At a Council held at Jamaica in Queens County, this 23th day of October, 1702.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

W^m SMITH,
SA: SH: BROUGHTON, } Esq^{rs}
W^m LAWRENCE,

RIP VAN DAM, Esq^r,
JOHN BRIDGES, Do^r of Laws,

Henry Beekman and John Stillwell Esq^{rs} from the house of Representatives acquainted this board that they had appointed a Committee of the said house to meet the Committee of the Council to consider of an adresse for Congratulating her Majtie on her happy accession to the Crown, according to a Message from this board sent them yesterday for that purpose.

Ordered, that the said Committees to meet in the Council Chamber to morrow morning at Eight of the Clock.

Adjourned till four of the Clock this afternoone.

Four a clock afternoon.

Adjourned till nine of the Clock to morrow morning.

At a Council held at Jamaica, this 24th day of October, 1702.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

W^m SMITH,
SA: SH: BROUGHTON, } Esq^{rs}
W^m LAWRENCE,

RIP VAN DAM, Esq^r,
JOHN BRIDGES, Do^r of Laws,

Coll^o W^m Smith Chairman of the Committee of the Council appointed to meet a Committee of the house of Representatives in order to the preparing an Adresse for Congratulating her Majtie's happy accession to the Crown reports that the said Committees have prepared the said Adresse which was read and was approved of and ordered to be entred in the Council book & follows in *hæc verba*.

To the QUEEN'S Most Excellent MAJESTY.

The humble ADDRESS of your Majesty's Governor, Council and Representatives of your Colony of *New-York* in *America*, convened in General Assembly.

Most humbly Sheweth,

That we are glad to lay hold of the Opportunity of the first Time of our being convened in General Assembly, with an unfeigned Zeal, in all humble Manner, to congratulate your Majesty's happy Accession to the Throne of Great-Britain, and other your Majesty's Dominions, and do esteem it the Effect of God's great Goodness towards us, that your Sacred Majesty has been preserved peaceably to ascend the Throne of your Ancestors, and to be so eminent and particular a Blessing to your Subjects. Many of us, in this Province, have had the Misfortune, to be misrepresented as disaffected to the Government and Laws of England, and particularly to the Person of his late Majesty, and several of us severely treated as such, by Persons then executing the Powers of Government here; notwithstanding, we have all of us, in our respective Stations most studiously and constantly given Proofs of our Readiness to support the Government of England, as by Law established. And as our Hearts are transported with Joy, from a due Sense we have of your Majesty's royal Goodness, Care and Concern for the Peace and Preservation of all your Subjects, so we do firmly resolve, upon all Occasions, to give fresh Demonstrations of our inviolable Duty, Zeal and good Affection, to your Majesty's Person and Government, and shall most cheerfully and unanimously, to the utmost of our Power, endeavour to support and defend this your Majesty's Colony, and shall constantly put up our Prayers to Almighty God, to make your Majesty's auspicious Reign long and prosperous.

Adjourned till Eight of the Clock Tuesday morning.

At a Council held at Jamaica, this 27th day of October, 1702.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

W^m SMITH,
SA: SH: BROUGHTON, } Esq^{rs}
GERRARDUS BEEKMAN, }

RIP VAN DAM, } Esq^{rs}
CALEB HEATHCOTE, }
JOHN BRIDGES, Do^r of Laws

Adjourned till three of the Clock afternoone.

Three a clock afternoon.

Adjourned till 8 of the Clock to morrow morning.

At a Council held at Jamaica this 28th day of October, 1702.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

W^m SMITH,
SA: SH: BROUGHTON, } Esq^{rs}
GERRARD BEEKMAN, }

RIP VAN DAM, } Esq^{rs}
CALEB HEATHCOTE, }

A Message was sent from the house of Representatives by Thomas Garton and Thomas Willet Esq^{rs} acquainting this board that the said house have agreed to the Adresse for Congratulating her majties happy accession to the Crown, the said addresse being read at the board is agreed to and ordered to be Engrossed

On Consideration of the Message sent his Excellency from the house of Representatives desiring that his Excellency will please to appoint a Serjeant at arms to attend the sd house his Excellency has thought fitt to Constitute and appoint Mr Edward Cole for that office And

Ordered, that Coll^o Heathcote acquaint this house of Representatives thereof.

On Consideration of the Message from the house of Representatives desiring that the accounts of the revenue of this Colony and the necessary Contingent Charge of the Government since the arrivall of the late Earle of Bellomont in this Colony may be layd before the sd house. His Excellency is pleased to return for answer thereto that he is very desirous that the same may be Inquired into, and will give to the house of Representatives all Books papers or other things that have come to his hands possion or power in order to their so doing

And his Excellency is further pleased to declare that he is very desirous that the house of Representatives will by a Bill arm fitt persons with sufficient power to Examine into the Debts of the Colony and State of the Revenue.

Adjourned till 8 of the Clock to morrow morning.

At a Council held at Jamaica in Queens County this 29th day of October, 1702.

PRESENT — *His Excellency* EDWARD Viscount CORNBURY, &c.,
 W^m SMITH, }
 SA: SH: BROUGHTON, } Esq^{rs}
 GERRARD BEEKMAN, }
 RIP VAN DAM, }
 CALEB HEATHCOTE, } Esq^{rs}

Adjourned till to morrow morning 8 of the Clock

At a Council held at Jamaica in Queens County this 30th day of October, 1702.

PRESENT — *His Excellency* EDWARD Viscount CORNBURY, &c.,
 W^m SMITH, }
 SA: SH: BROUGHTON, } Esq^{rs}
 GERR: BEEKMAN, }
 RIP VAN DAM, }
 CALEB HEATHCOTE, } Esq^{rs}

Adjourned till two of the Clock afternoone

Post Meridiem.

PRESENTIBUS — *Eisdem*

Adjourned till Eight of the Clock to morrow morning.

31th October 1702 Adjourned till Monday two of the Clock afternoone

2^d November 1702 Adjourned till to morrow morning Eight of the Clock

At a Council held at Jamaica in Queens County this 3^d of November, 1702.

PRESENT — *His Excellency* EDWARD Viscount CORNBURY, &c.,
 PETER SCHUYLER, }
 W^m LAWRENCE, } Esq^{rs}
 GERRARDUS BEEKMAN, }
 CALEB HEATHCOTE, } Esq^{rs}
 The rest out of Town

Adjourned till four of the Clock afternoon

Post Meridiem

Adjourned till ten of the Clock to morrow morning

At a Council held at Jamaica in Queens County this 5th day of November, 1702.

PRESENT — *His Excellency* EDWARD Viscount CORNBURY, &c.,
 WILLIAM SMITH, }
 PETER SCHUYLER, } Esq^{rs}
 W^m LAWRENCE, }
 GERRARD BEEKMAN, }
 RIP VAN DAM, } Esq^{rs}
 CALEB HEATHCOTE, }

Daniell Whitehead and John Abeell Esq^{rs} from the house of Representatives layd before this board a Bill for the Levying and Collecting the sume of £1800 for the raising paying and mainteining 150 fuzileers with their proper officers for 5 mo and 30 men with their proper Officers to be Employed as Scouts 62 dayes for the Defence of the frontiers which was read the first time, and ordered a Second Reading to morrow morning

Adjourned till ten of the Clock to morrow morning.

At a Council held at Jamaica, this 6th day of November, 1702.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

W^m SMITH,
PETER SCHUYLER,
SA: SH: BROUGHTON,
W^m LAWRENCE,

} Esq^{rs}

GERRARD BECKMAN,
RIP VAN DAM,
CALEB HEATHCOTE,

} Esq^{rs}

The humble Adresse of the Governor Council and Representatives of this province Conveened in Generall Assembly Congratulating her Majties happy accession to the Crown having Been fairly Ingrossed was presented to this board and read and signed by the Governor and the Gentlemen of her Majties Council, and ordered to be sent to the house of Representatives and that Coll^o Heathcote do carry the same.

The Attorney Generall in pursuance of his Excellencies order having prepared a Bill for the better Settling the militia and for the Repealing all former Acts relating to the same, presented the said Bill this day to his Excellency in Council which was read and

Ordered, that the Attorney Generall do carry the same to the house of Representatives for their Concurrence.

The Bill for Levying and Collecting the sume of £1800 for the raising 150 fuzileers with their proper officers for 5 mo and 30 men with their proper officers for sixty two dayes for the Defence of the frontiers was according to the order of the day read the second time.

Killian van Ranslaer and Thomas Willet Esq^{rs} from the house of Representatives layd before this board a Bill for destroying of Wolves within this Colony which was read the first time.

Adjourned till 3 of the Clock in the afternoone.

Post Meridiem.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

W^m SMITH,
PETER SCHUYLER,
SA: SH: BROUGHTON,

} Esq^{rs}

W^m LAWRENCE,
RIP VAN DAM,
CALEB HEATHCOTE,

} Esq^{rs}

Adjourned till Eight of the Clock to morrow morning.

At a Council held at Jamaica in Queens County, this 7th day of 9^{br}, 1702

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

W^m SMITH,
SA: SH: BROUGHTON,
W^m LAWRENCE,

} Esq^{rs}

RIP VAN DAM,
CALEB HEATHCOTE,

} Esq^{rs}

The Bill for the Levying and Collecting the sume of £1800 for the raising paying and maintaining 150 fuzileers with their proper officers for 5 mo and 30 men with their proper officers to be imployed as Scouts 62 dayes for the defence of the frontiers was read the third time.

Resolved, the sd Bill do passe the Council.

His Excellency gave the Assent to this Bill; Enacting it and ordering it to be Enrolled and his Excellency was further pleased to order that the house of Representatives be acquainted that her Majties Council had passed the said Bill and that his Excellency has also been pleased to give her assent thereto and since that for performing the service in the said act directed there will be inmediate occasion (for endeavouring to procure a loan of money therein mentioned his Excellency intends this day at 12 of the Clock before the Court house of this County) to publish the sd Act, and therefore directs that the members of the house of Representatives do then and there attend to see the same performed as hath been usuall and

Ordered, that the Attorney Gen^l do carry the said Message. Which having been done

John Abeell and John Jackson Esq^{rs} acquainted his Excellency in Council that the house of Representatives will attend his Excellency at the time and place appointed in his Excellencys Message to them.

The Bill for Destroying of Wolves within this Colony was read the second time and Comitted to the whole Council or any three of them.

Ordered, that the Mayor of the city of New York attended with the Comon Council of the said City do Cause the Act for Levying and Collecting the sume of £1800 &c to be published at the City hall of the said City with all possible Expedition

Adjourned till Munday morning ten of the Clock

9th 9^{br} 1702. Adjourned till to morrow morning ten of the Clock

At a Council held at Jamaica in Queens County this 10th day of 9^{ber}, 1702.

PRESENT — *His Excellency* EDWARD Viscount CORNBURY, &c.,

W ^m SMITH,	} Esq ^{rs}	GERRARD BEEKMAN,	} Esq ^{rs}
PETER SCHUYLER,		CALEB HEATHCOTE,	
SA: SH: BROUGHTON,			
W ^m LAWRENCE,			

Coll^o W^m Smith Chairman of the Committee of the Council to whom the Bill for destroying Wolves within this Colony was Comitted Does Report from the s^d Committee that the s^d Bill ought to passe without any amendment.

The Bill for destroying of Wolves within this Colony being read the third time

Resolved, the Bill do passe the Council

Adjourned till three of the Clock afternoone.

Post Meridiem.

Adjourned till Eight of the Clock to morrow morning

At a Council held at Jamaica this Eleaventh day of November, 1702.

PRESENT — *His Excellency* EDWARD Viscount CORNBURY, &c.,

WILLIAM SMITH,	} Esq ^{rs}	GERRARD BEEKMAN,	} Esq ^{rs}
PETER SCHUYLER,		CALEB HEATHCOTE,	
WILLIAM LAWRENCE,			

A Bill for preventing doubts and mistakes and for Continuing processe and Judiciall proceedings having been prepared and layd before this board was read the first second and third time

Resolved, the same do passe the Council and be carried down to the house of Representatives for their Concurrence and ordered that Coll^o Beekman do carry the same.

Adjourned till three in the afternoon

Post Meridiem.

PRESENTIBUS —

Eisdem.

Joseph Purdy and Abraham Lakerman from the Assembly layd before this board the Bill for preventing doubts and mistakes and for Continuing processe and Judiciall proceedings to which the house of Representatives had agreed without amendment.

Adjourned till Eight of the Clock to morrow morning.

At a Council held at Jamaica in Queens County this 12th day of November, 1702.

PRESENT — *His Excellency* EDWARD Viscount CORNBURY, &c.,

W ^m SMITH,	} Esq ^{rs}	W ^m LAWRENCE,	} Esq ^{rs}
PETER SCHUYLER,		GERRARD BEEKMAN,	
SA: SH: BROUGHTON,		CALEB HEATHCOTE,	

Ordered, that a Message be sent to the house of Representatives to acquaint them that his Excell is directed by his Instructions to recomend to them the passing a Law for Sent to the Assembly Settling the value of mens Estates either in goods or Lands under which they shall not be capable of serving as Jurors and that Coll^o Heathcote do Carry the same.

The Attorney Generall according to an order of the 21th S^{ber} last layd before this board a Bill for the better discovery of the debts of the Government which was ordered to lye on the table for further Consideration.

At a Councill held at Jamaica in Queens County this 13th day of November, 1702.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

W^m SMITH,
SA: SH: BROUGHTON, } Esq^r
W^m LAWRENCE,

GERRARD BEEKMAN, } Esq^r
CALEB HEATHCOTE, }
JOHN BRIDGES Do^r of Laws.

The members of her Majesties Councill being doly sensible of great and ununsall Charge that has unavoidably accrued by his Excellency's Journey into the provinces of East and West New Jersey for the proclaiming of her Most sacred Majtie as well as the charge of Additionall presents to the Indians, hire of sloops and other vessells as also of his said Excellencies transporting of himself and ffamily twice this Summer to and from the frontiers of Albany their to meet and treat with the neighbouring Indians as well as to forward, direct and Incourage the carrying on the new ffortifications there designed and begun and that since by reason of a great sickness and mortality lately happening in the City of New York his Sayd Excellency has by advice of this board been obliged to transport himself and ffamily to the Town of Jamaica in Queens County on Nassaw Island and there to continue during the Sitting of the Generall assembly, The members of her Majties Councill are humbly of opinion that all such charges which have been necessarily Expended in his Journey to the Jerseys as well as from the time he transported himself from his Majties fort at New York ought to be allowed his said Excellency to the time his sayd Excellency shall return to New York again and well knowing the state of her Majties Revenue here by the late mismangment and undue Application thereof is brought so greatly in debt that such charge and Disbursements cannot be in a long time payd out of the sayd fund they do therefore pray his Excellency the Governor will please to direct that an account thereof may be lay'd before this board and that his sayd Excellency will also please to give leave to her said Majties Councill to recomend the Consideracón of this matter to the house of Representatives now Conveened that some other fund may be found by which such disbursements may be speedily payd

His Excellency was pleased to give leave to the Councill to Recomend this matter to the house of Representatives and ordered Doctor Bridges to carry the said message

Adjourned till nine of the Clock to morrow morning

At a Councill held at Jamaica in Queens County this 14th day of November, 1702.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

W^m SMITH,
SA: SH: BROUGHTON, } Esq^r
W^m LAWRENCE,

GERRARD BEEKMAN, } Esq^r
CALEB HEATHCOTE, }
JOHN BRIDGES Do^r of Laws,

Phillip ffrench and Jacobus Courtlandt Esq^r brought a Message from the house of Representatives addressing his Excell that the said house be adjourned to the City of New York.

His Excellency hath Consented to the said Adresse, and hath ordered a proclamation to issue for adjourning the assembly from the town of Jamaica to the City of New York there to meet and sitt on Munday next at two of the Clock in the afternoon And

Ordered, that Coll^o Smith acquaint the house of Representatives therewith.

Doctor Bridges acquainted this board that he had Dd the order made yesterday by this board to the house of Representatives.

Post Meridiem.

W^m SMITH,
SA: SH: BROUGHTON, } Esq^r
W^m LAWRENCE,

GERRARD BEEKMAN, Esq^r
JOHN BRIDGES Do^r of Laws.

Adjourned till Munday next two of the Clock afternoon.

16th November 1702 Adjourned till to morrow morning ten of the Clock

At a Councill held at fort W^m Henry in New York the 17th day of November, 1702.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

W^m SMITH,
SA: SH: BROUGHTON, } Esq^{rs}

RIP VAN DAM, Esq^r
JOHN BRIDGES Do^r of Laws.

The rest out of Town

His Excellency having been pleased to acquaint this board that he hath been by Sundry persons informed from both Countrey and City that upon the apprehension of being detached for her Majties service on the frontiers a great number of young men persons most fitt for that service and who could be best spared have left the places of their usuall Residence & have Conveyed themselves some out of the province and others of them into such parts thereof where they think themselves not lyable to be taken for that service that unlesse some way can be found to remedy this mischief whenever it is necessary for her majties service and the preservation of this province to make such detachments It must consequently fall upon such persons who are least fitt and can be worst spared for Remedy whereof his Excellency prayes the advice of this board Who on due Consideration thereof are humbly of opinion that the same be Recommended to the house of Representatives that some clause be added to the bill for the Regulation of the Militia as may be effectuell to remedy the same for the future, and are of opinion that such persons as shall soe absent themselves ought to be lyable to some Considerable fine and that in case any such persons can be found in any other counties than such as where they usually Reside and are Listed in and can be taken by any person detached in that Countty where they shall be found such persons who shall take such deserter shall be Exensed serving upon that Detachment and such person as is taken shall be obliged to serve in his stead. his Excellency is also pleased to acquaint this board that for want of the perfecting the Bill Establishing the Militia he cannot take proper measures of supplying the frontiers with men as is designed by the Bill lately passed for that purpose. This board are therefore humbly of opinion that the Consideration thereof be also Recommended to the house of Representatives desiring them to Expediate the perfecting of that Bill the season of the year being very far spent. And

Ordered, that Rip van Dam Esq^r do carry the said minute to the house of Representatives.

Gerrard Beekman Esq^r took his place at this board.

Adjourned till four of the Clock in the afternoon.

Post Merid.

Adjourned till to morrow morning ten of the Clock

18th November 1702 Adjourned till to morrow morning ten of the Clock

At a Councill held at ffort W^m Henry, this 19th day of November, 1702.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

SA: SH: BROUGHTON, }
GERRARD BEEKMAN, } Esq^{rs}
RIP VAN DAM, }

CALEB HEATHCOTE, Esq^r
JOHN BRIDGES, Do^r of Laws.

Myndert Schuyler and Evert Banker Esq^{rs} from the house of Representatives layd before this board A Bill for the better settling the Militia of this province and making it more usefull for the security and defence thereof and for Repealing all former acts heretofore made in this province relating to the same which was read the first time and ordered a second Reading in the afternoone.

Post Meridiem.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

W^m SMITH,
SA: SH: BROUGHTON, } Esq^{rs}
RIP VAN DAM, }

CALEB HEATHCOTE, Esq^r,
JOHN BRIDGES, Do^r of Laws,

The Bill for the better settling the Militia of this province &c was read the second time and Committed to the Councill or any three of them.

His Excellency layd before this board A Bill for Encouragment of a Grammar Free Schooll in the City of New York which was Dd to him by members of the house of Representatives appointed to do the same which was read the first and second time and Comitted to the members of this board or any three of them.

Adjourned till to morrow morning ten of the Clock.

At a Councill held at ffort W^m Henry, this 20th day of November, 1702.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

W^m SMITH,
SA : SH BROUGHTON,
RIP VAN DAM,

} Esq^{rs}

CALEB HEATHCOTE, Esq^r,
JOHN BRIDGES, Do^r of Laws.

Coll^o W^m Smith Chairman of the Comittee of the Councill to whom the Bill for the better Setling of the Militia of this province &c was Comitted does Report to this honoble Board that the penalties layd upon severall defaults and deficiencies in the said Bill mentioned are as they humbly conceive too small to reduce into good order and method the Militia aforesaid Yett they neverthelesse are humbly of opinion that since his Excellency the Gov^r will be Inmediately obliged to detach some part of the said Militia for the service and security of the frontiers which cannot be Conveniently performed without the said Bill be passed into a Law and that the season of the yeare is now so farr spent that it will not admitt off any long debate. Wee are humbly of opinion that the said Bill do passe without any amendment alwayes hoping that such Inconveniencies as shall occur to his Excellency in making such detachments will be hapily and effectually Remedied upon the next sitting of this assembly.

Which Report being read and approved of

The said bill was read the third time.

Resolved, the Bill do passe the Councill.

Then his Excellency gave the assent to the said Bill enacting it and ordering it to be enrolled under the seale of the province.

A Bill for the better Support and Mainteining of the Poor in the City of New York for the future was layd before this board by his Excellency the same having been Dd to him by members of the house of Representatives appointed thereunto and read the first and second time and Comitted to the members of this board or any three of them.

Coll^o W^m Smith Chairman of the Comittee of the Councill to whom the Bill for Encouragment of a Grammar Free Schooll in the City of New York was Comitted by this board for Report, does humbly offer to his Excellency that upon perusall of that part of his Excellencies Instructions relating to Schooll masters within this Colony In the words following : That no Schooll master be permitted to come from England and to keep a schooll within this province without the License of the *Right Reverend* ffather in God Henry Lord Bishop of London and that no person now there or that shall come from other parts be admitted to keep Schooll without your Lycense first obtained Wee are humbly of opinion his Excellency ought not to passe the said Bill otherwise than is directed by that Clause of his Excellencies Instruction and that it be Recomended to the house of Representatives to make such amendments in the said Bill as is agreeable thereunto And

Ordered, that Coll^o Heathcote do carry the same.

Adjourned till ten of the Clock to morrow morning.

At a Councill held at ffort W^m Henry, this 21th day of November, 1702.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

W^m SMITH,
SA : SH : BROUGHTON,
RIP VAN DAM,

} Esq^{rs}

CALEB HEATHCOTE, Esq^r
JOHN BRIDGES, Do^r of Laws.

Coll^o W^m Smith Chairman of the Comittee of the Councill to whome the Bill for the Better Support and mainteinance of the Poor in the City of New York for the future was Comitted does report to this honoble board that the said Bill do passe without any Amendment.

Which being read and approved of.

The said Bill was read the third time and passed the Councill.

A Bill for the Repealing severall Acts of Assembly and declaring other Ordinances published as Acts of Assembly to be void having been Dd to his Excellency by members of the house of Representatives appointed thereunto and layd before this board by his Excellency was read the first time.

Adjourned till Munday nine of the Clock in the morning.

• 23th Adjourned till to morrow morning ten of the Clock

At a Councill held at ffort W^m Henry this 24th day of November, 1702.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

W^m SMITH,
SA: SH BROUGHTON, } Esq^{rs}
GERRARD BEEKMAN, }

RIP VAN DAM, } Esq^{rs}
CALEB HEATHCOTE, }

The Bill to enable the City of New York to supply the vacancy of such Elective magistrates and other publick officers as may dye, remove or otherwayes be Incapacitated to serve before the time of the annuall Election being layd before this board by his Excellency the same having been Dd him by members of the house of Representatives appointed thereunto was read the first and second time and Comitted to the members of this board or any three of them.

Adjourned till to morrow morning ten of the Clock.

At a Councill held at ffort W^m Henry this 25th day of November, 1702.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

W^m SMITH,
SA: SH: BROUGHTON, } Esq^{rs}
GERRARD BEEKMAN, }

RIP VAN DAM, } Esq^{rs}
CALEB HEATHCOTE, }

Coll^o W^m Smith Chairman of the Comittee of the Councill to whom the Bill for encouragment of a Grammar Free Schooll in the City of New York was Recomitted does report to this honorable board. That all be left out after the words [Queen Mary] in the tenth line of the second Sheet and instead thereof the following provisos to be Inserted—Provided allwayes that such Schooll master if Chosen from England then to be Licensd by the Right Reverend ffather in God the Lord Bishop of London and approved of by the Gov^r or Comander in Chief of this province for the time being, and in case any fitt person shall be here found for the discharge of that duty as well as upon any Vacancy that may hereafter happen upon the death absence or disability of such Schooll master that then and in such case the Comon Councill of the City of New York for the time being shall and may Recomend to the Gov^r or Comander in Chief of this province for the time being such fitt person qualified as is aforesaid for License and approbation Which is allwayes to be had and obtained before such Schooll master be Intituled to the Sallary aforesaid any thing herein contained to the Contrary thereof in any wise notwithstanding

Which Report being read and approved of The said Bill together with the said amendments being read the third time is passed the Councill and ordered to be sent down to the house of Representatives for their Concurrence to the sd amendm^t and M^r Attorney Generall ordered to carry the same Which was done.

His Excellency layd before this board A Bill for Granting unto her Majesty the sume of £2000 to be applied (with her Majties good pleasure to the uses in this act mentioned.

A Bill for Enforceing and Continuing the act for encouraging a *post office* in this province of New York 4 y^{rs} and one half yeare from the month of April 1700.

A Bill to Enable the Mayor Aldermen and Comonalty of the City of New York for the time being to raise money upon the freeholders and Inhabitants thereof for defraying their publick and necessary Charges Annually the same having been Dd to his Excellency by members of the house of Representatives appointed thereunto.

Which were Read the first and second time and Comitted to the members of this board or any three of them.

Phillip French Esq^r from the house of Representatives desires a Conference with the Councill upon the amendments of the Bill for Incouragment of a Grammar Free Schooll &c.

The Gentl of the Conneill did agree to the sd Conference, and order that Coll^o W^m Smith, Sampson Shelton Broughton Esq^r and Coll^o Caleb Heathcote do manage the same and that they meet the Comittee of the house of Representatives in order thereunto this afternoon between three and four of the Clock at the house of the sd M^r French.

Post Meridiem.

PRESENTIBUS —

Eisdem.

Coll^o W^m Smith Chairman of the Committee of the Council to whome the Bill for granting unto her Majtie the sume of £2000 to be applyed (with her Majties good pleasure) to the uses in this Act mentioned was Comitted for report does humbly offer to his Excellency and this board that the sume of £2000 being thereby granted to her Majtie for the use therein mentioned the said Bill ought to passe without any amendment.

Which report being read and approved of The said Bill was read the third time and passed the Councill, and

Ordered, that the house of Representatives have notice of the passing of this Bill.

Coll^o W^m Smith Chairman of the Committee of the Council to whom the Bill for enforceing and Continueing the Act for encouraging a *post office* in this province of New York four yeares and one half yeare from the month of Aprill which is in the yeare 1700 was Comitted does report to his Excellency and this Board that the said Bill ought to passe without any amendment.

Which Report being read and approved of the said Bill was read the third time and passed the Councill and ordered that the house of Representatives have notice of the passing of this Bill.

Coll^o W^m Smith Chairman of the Committee of the Council to whom the Bill to enable the Mayor Aldermen and Comonalty of the City of New York for the time being to raise money upon the freeholders and Inhabitants thereof for defraying their publick and necessary Charges annually was Comitted does Report to this honoble Board That the said Bill ought to passe without any amendment.

Which Report being read and approved of The said Bill was read the third time and passed the Councill.

Ordered, that the house of Representatives have notice of the passing of this Bill, and of all other Bills which have passed the Councill this Session.

Sampson Shelton Broughton Esq^r Chairman of the Committee of the Council to whom the Bill to Enable the City of New York to Supply the vacancy of Such Elective Magistrates and other Publick officers as may dyc Remove or otherwayes be Incapacitated to serve before the time of the annuall Election was Comitted does Report to this honoble board. That after the title of the said Bill and before the words [Be it Enacted] these words be Inserted [Whereas it hath been found very hurtfull and prejudiciall to the City of New York and obstructive to the affaires and govern^t thereof that upon the Death removall or other Disability of any Elective Magistrate or officer of the said City there is not Sufficent power and authority in the said City or any the members thereof to fill up the room or place of the Magistrate or officer so dying removing or being disabled with some other fitt and honest person untill the annuall day of Election of Magistrates and officers for the City aforesaid comes about by reason the Charter of the said City appointing the same is short and defective therein for supply and amendment whereof.

Which Report being read was approved of And the said Bill together with the amendment being read the third time is passed the Councill and ordered to be sent down to the house of Representatives for their Concurrence to the sd Amendment, and that the Att Gen^l do carry the same

Adjourned till nine of the Clock to morrow morning

At a Councill held at ffort W^m Henry this 26th day of November, 1702.

PRESENT—

His Excellency EDWARD Viscount CORNBURY, &c.,

W^m SMITH,
SA: SH: BROUGHTON, } Esq^{rs}
GERRARD BEEKMAN, }

RIP VAN DAM, } Esq^{rs}
CALEB HEATHCOTE, }

Coll^o W^m Smith Chairman of the Committee of the Council appointed to meet a Committee of the house of Representatives on the amendment to the Bill for Incouragm^t of a Grammar Free Schooll &c does report to his Excellency in Councill that the sd Committee have mett and have agreed to the amendment to the said Bill as followeth vizt: That Instead of the last provisoe made by the Councill as an amendm^t to the sd Bill these following words be Inserted [Provided allwayes that such Schoollmaster shall from time to time as a vacancy happens be Chosen and Recomend^d by the Comon Councill of the said City for the time being in order to be Licensed and approved by the Right honoble the Bishopp of London for the time being or the Governor or Comander in Chief of this province for the time being any thing herein Contained to the Contrary thereof in any ways notwithstanding.]

Which was approved of and

Ordered, that the same be sent down to the house of Representatives for their Concurrence to the sd Amendm^t & that Rip van Dam Esq do carry the same

Coll^o Jacobus Cortlandt from the house of Representatives layd before this board a Bill to enable the City of New York to supply the vacancy of such Elective Magistrates &c the house of Representatives having Consented to the amendments made by this board.

Ordered, the said Bill be amended accordingly by the Clerk of the Council.

The said Jacobus Cortlandt also layd before this board a Bill for Regulating of Slaves, which was read the first and second time, and Comitted to this board or any three of them.

Adjourned till three of the Clock afternoone

Post Meridiem.

PRESENT —

His Excellency EDWARD Viscount CORNBURY,

W^m SMITH,
SA: SH: BROUGHTON, } Esq^{rs}
RIP VAN DAM,

CALEB HEATHCOTE, Esq^r
JOHN BRIDGES Do^r of Laws.

Coll^o W^m Smith Chairman of the Comittee of the Council to whom the Bill for Regulating of Slaves was Comitted does report to this honoble Board that since it cannot be forseen what Inconveniencies may happen in the putting of the Said act in Execution, the said Comittee are of opinion that the said Bill ought to passe only for one yeare

Which Report being read and approved of and the Said Bill together with the amendment being read the third time is passed the Council and ordered to be Carried down to the house of Representatives for their Concurrence to the sd amendment and that Rip van Dam Esq^r carry the same.

Phillip French Esq^r layd before this board from the house of Representatives the Bill for appointing and Enabling Com^{rs} to take state and Examine the acc^{ts} of the Revenue of this Colony and the necessary Contingent Charge of the Government, which was read the first and second time and Comitted to the Council or any three of them.

The Bill for Repealing severall acts of Assembly and declaring other ordinances published as acts of Assembly to be void was read the second time and Comitted to the members of this board or any three of them.

Adjourned till nine of the Clock to morrow morning.

At a Council held at fort W^m Henry this 27th 9^{ber}, 1702.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

W^m SMITH,
SA: SHELTON BROUGHTON, } Esq^{rs}
GERRARD BECKMAN,

RIP VAN DAM, } Esq^{rs}
CALEB HEATHCOTE,

His Excellency layd before this board A Bill for Continuing the Revenue, and A Bill against forging Counterfieting and Clipping of floreign Coine which is currant money in the Colony of New York, the same having been Dd to his Excellency by members of the house of Representatives appointed to do the same.

The Bill for Continuing the Revenue was read the first second and third time and passed the Council.

The Bill against forging, Counterfieting &c was read the first and second time and Comitted to the members of this board or any three of them.

Coll^o W^m Smith Chairman of the Comittee of the Council to whom the Bill against forging Counterfieting &c was Comitted does Report from the said Com^{ee} that the said Bill do passe without any amendment.

Which Report was approved of and the said Bill read the third time and passed the Council.

Coll^o W^m Smith Chairman of the Comittee of the Council to whom the Bill for Repealing severall Acts of Assembly and declaring &c was Comitted, does report from the s^d Com^{ee}: That upon due perusall and Consideron of the severall Acts by the s^d Bill repealed, we are humbly of opinion, that the s^d Bill ought to passe without any amendm^t. But we do neverthesse think it our duty humbly to offer to yo^r Excell that by one of the said Acts Entituled, An Act for granting an additionall duty to her Majtie for one yeare longer there is granted to his then Majtie for two yeares ending in August next certain additionall Impositions upon sundry goods and merchandizes but that there is all [*Remainder torn off*]

* *Ordered*, the Clerk of the Council do acquaint the House of Representatives, to attend his Excellency in Council at Fort William Henry, immediately.

* From this to the end of this session, is added from the Assembly Journal.

Accordingly the Speaker, with the House, attended his Excellency in Council, where his Excellency was pleased to give his Assent to the several Bills following, viz :

An Act for granting unto her Majesty the sum of Two Thousand Pounds

An Act for continuing the Revenue.

An Act, for appointing Commissioners, to take, state, and examine, the Accounts of the Revenue

An Act for Destroying of Wolves in this Colony

An Act for continuing Process and judicial Proceedings.

An Act, for Settling the Militia of this Province.

An Act, for Encouragement of a Grammar Free-School in the City of New York

An Act, for the Support and Maintenance of the Poor, in the City of New York

An Act to Enable the City of New York to supply the Vacancy of Magistrates

An Act for Encouraging the Post-Office

An Act, to enable the City of New York, to defray their publick and necessary Charges.

An Act, for regulating Slaves.

An Act, against forging and Clipping of foreign Coins.

An Act, for the Repealing several Acts of Assembly

Then his Excellency adjourned the Assembly untill the first Tuesday in Aprill next, and the Assembly is adjourned accordingly.

NINTH ASSEMBLY SECOND SESSIONS.

At a Council held at ffort Anne, this Eighth day of Aprill, 1703.

PRESENT — *His Excellency* EDWARD Viscount CORNBURY, &c.,

W^m SMITH,
PETER SCHUYLER, } Esq^{rs}
GERRARD BEEKMAN, }

RIP VAN DAM, } Esq^{rs}
CALEB HEATHCOTE, }

Adjourned till six afternoon.

At A Council held at her Majties ffort in New York, this 13th day of Aprill, 1703.
Post Meridiem.

PRESENT — *His Excellency* EDWARD Viscount CORNBURY, &c.,

PETER SCHUYLER,
SA : SH : BROUGHTON, } Esq^{rs}
W^m LAWRENCE, }

GERRARD BEEKMAN, } Esq^{rs}
RIP VAN DAM, }
JOHN BRIDGES, Do^r of Laws.

His Excellency ordered the Clark of the Council to acquaint the house of Representatives that he Desired their attendance Immediately Which being done,

And the Speaker with the s^d house being present in the Council Chamber his Excellency sayd,

Gentlemen,

I am glad to see so many of you now met together, in pursuance of the Adjournment in November last, and I do not at all doubt, but that you came resolved to do, whatever shall be found necessary for the Advancement of the Interest, of the great Queen of England my Mistress, and for the Good and Welfare of your Country, which are both one ; you did in November last, grant a considerable Sum of Money to her Majesty, for the paying of such a Number of Men, as was thought necessary to be sent up to Albany, for the Defence of the Frontiers this last Winter ; which Service hath been performed, tho' I must observe to you, that the Supplies granted for that Purpose, have us yet come in but very slowly ; I think it proper to acquaint you, that Two of the Acts passed last November, will require your further Consideration ; the First is, An Act, for the better settling the Militia of this Province ; the Second is, An Act, for appointing and enabling Commissioners, to take, state and examine, the Accounts of the Revenue, of this Colony, and the necessary contingent Charge of the Government : The First, contains an enacting Clause, which lays a Penalty of Six Pounds, upon any Person that shall be detached out of the Militia,

and shall not appear at the Time and Place appointed, and perform the Service required of him, to be applied to the Use of him who is a Defaulter; this Penalty is to be recovered in the Courts of Pleas, which sits so seldom, that the Offenders conceive great Hopes that their Offences may be forgotten, before the time comes for recovering their Forfeitures; therefore I think it would be convenient, that a more speedy Method may be provided for recovering the said Penalty, which will make Men more cautious of Offending, and will be a better Encouragement to those that ought to reap the Benefit of such Forfeitures. In the other Act, you have appointed Gentlemen very capable of Executing the Trust reposed in them, but for Want of a Power sufficient to compel People, to lay such Books and Papers before them, as are necessary to enable them, to lay before you such a Report, as you may reasonably expect from them, I fear great Part of their Labour may prove fruitless, therefore recommend it to you, to consider, whether it will not be proper, by a short Bill, to vest them with such a Power, as may enable them to perform the Services expected from them. Gentlemen, I must acquaint you, that since your Adjournment, I have received Information, that the French intend to attack this Place, by Sea this Summer. I think, the best Way to prevent that Design will be, to erect two Batteries of Guns at the Narrows, one on each Side, which, I believe, is the only Way, to make this Port safe; I have ordered an Estimate to be made, of what that Charge may amount to, which shall in a few Days, be laid before you. I must likewise recommend it to the Care of you, Gentlemen, of the House of Representatives, to provide Funds, for carrying on the Fortifications at Albany, and other Places on the Frontiers, least for Want of them, the Farmers of those Parts should desert their Habitations, as they have formerly done. I wish, Gentlemen, you would think of a Bill, for the better ascertaining and preserving the Highways in this Colony; I must again, recommend to you, the preparing a Bill, to prevent the distilling of Rum, and the burning of Oystershells into Lime, within this City; I have great Reason to believe, that both these Things, did contribute very much, to the Increase of that fatal Distemper, the City was unhappily visited with last Summer; I do not doubt, but several other Things will occur to your Thoughts, which may require the passing of wholesome Laws. I am glad of this Opportunity, to assure you, that you shall always find me ready to assent, to all such Bills, as shall be necessary for the promoting and advancing the Trade and Welfare of this Colony.

Gentlemen, it is with a great deal of Pleasure, that I take this Opportunity to acquaint you, that the Arms of the Queen and her Allies, have every where in Europe, been blessed with great Success, and particularly at the Port of Vigo, in Spain; where her Majesty's Fleet and Army, have destroyed and taken fifteen Sail of capital French Ships of War, and seventeen Spanish Galleons, with great Riches.

Gentlemen, I have nothing more to recommend now to you, but the Dispatch of the Business before you, that I may be at Liberty, to attend the Service of the Queen, in other Parts of this Province.

Then the General assembly withdrew.

John Abeell and Abraham Lakerman Esq^{rs} from the house of Representatives Desired that Morus Crow the Representative Elected for the County of Orange may take the oath appointed by Act of Parliament to be taken instead of the oaths of Allegiance and Supremacy and Subscribe the Test before this board, which was done & they withdrew.

Adjourned till Eleaven to morrow morning.

At a Council held at ffort Anne this 27th day of Aprill, 1703.

PRESENT — His Excellency EDWARD Viscount CORNBURY, &c.,

SA : SH : BROUGHTON, }
GERRARD BEEKMAN, } Esq^{rs}
RIP VAN DAM, }

CALEB HEATHCOTE, }
JOHN BRIDGES, } Esq^{rs}

His Excellency layd before this board a Bill to Enable the Justices of the Peace for the City and County of Albany to repaire or to rebuild a Comon Goale and City and County hall for the s^d City and County and to pay their arreâres of their publick Charge the same having passed the house of Representatives and brought up and Dd to his Excellency by members thereof appointed by the said house for that purpose.

This Bill was read the first time and ordered a second Reading.

Post Meridicum.

PRESENTINUS —

Visdem.

Stephen Delancey and Abraham Lakerman Esq^{rs} from the house of Representatives layd before his Excellency in Council A Bill to enable the Minister and Elders for the time being of

the French Protestant Church in the City of New York to build a larger Church for the worship of Almighty God in that Congregation to hold to them and their successors for ever the same having passed the said house.

Which Bill was read the first time and ordered a second Reading.

Adjourned till to morrow morning Eight of the Clock.

At a Council held at ffort Anne, this 28th day of Aprill, 1703.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

SA : SH : BROUGHTON, }
W^m LAWRENCE, } Esq^{rs}
GERRARD BEEKMAN, }

RIP VAN DAM, }
CALEB HEATHCOTE, } Esq^{rs}
JOHN BRIDGES, }

The Bill to enable the Justices of the Peace for the City and County of Albany to repaire or to Rebuild a Comon Goale and City and County hall for the said City and County, and to pay their arreares of their Publick Charge, and the Bill to enable the Minister and Elders for the time being of the French Protestant Church in the City of New York to build a larger Church for the worship of Almighty God in that Congregation to hold to them and their successors for ever was read the second time and Comitted to the members of this board or any three of them.

Adjourned till to morrow morning ten of the Clock.

At a Council held at ffort Anne this 29th day of Aprill, 1703.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

SA : SH : BROUGHTON, }
W^m LAWRENCE, } Esq^{rs}
RIP VAN DAM, }

CALEB HEATHCOTE, }
JOHN BRIDGES, } Esq^{rs}

Sampson Shelton Broughton Esq^r Attorney Generall of this province Chairman of the Comittee of the Council to whom the Bill to Enable the Minister and Elders for the time being of the French protestant Church in the City of New York to build a larger Church for the worship of Almighty God in that Congregation to hold to them and their successors. for ever And the Bill to Enable the Justices of the peace for the City and County of Albany to repair or to Rebuild a Comon Goale & City and County hall for the s^d City and County and to pay the arrears of their publick Charge, was referred does report to this board that the s^d Comēe have gone through the s^d Bills and have directed him to report the same without any amendment

Which Report being read was approved of

Ordered, the said Bills be read the third time which having been Done

Resolved, the same do passe the Council.

Adjourned.

At A Council held at ffort Anne this fourth day of May, 1703.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

SA : SH : BROUGHTON, }
GERRARD BEEKMAN, } Esq^{rs}
RIP VAN DAM, }

CALEB HEATHCOTE, }
JOHN BRIDGES, } Esq^{rs}

His Excellency layd before this board the Bill for prohibiting the distilling of Rum and burning of Oyster shells into Lime within the City of New York or within half a miles distance. of the City hall of the s^d City, and the Bill for Impowering Justices of the peace to hold pleas of Debt and Trespasse of small value, the same having been brought to his Lordship by members of the house of Representatives appointed thereunto which were read the first time and ordered a second reading.

Adjourned till to morrow morning.

At a Council held at ffort Anne in New York this 5th day of May, 1703.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

W^m SMITH,
SA: SH: BROUGHTON, } Esq^{rs}
GERRARD BECKMAN, }

CALEB HEATHCOTE, } Esq^{rs}
JOHN BRIDGES, }

The Bill for prohibiting the Distilling of Rum & Burning of Oyster shells into Lime within the City of New York or within half a miles Distance of the City hall of the said City was read the second time and Comitted to the members of this board or any three of them.

The Bill for Impowering Justices of the peace to hold pleas of Debt and Trespasse of small value read the second time and Comitted to the Chief Justice the Attorney Generall and second Justice who are hereby required to Consider of that part of the Ordinance made for Erecting and Establishing Courts of Judicature in this province made in the yeare 1699 relating to the Impowering Justices of the peace to determine Causes and Cases of Debt under 40^s & prepare such Clauses as may answer the defects proposed to be remedied by the said Bill and lay the same before this board as soon as possible.

Adjourned till to morrow morning.

At A Council held at ffort Anne this 7th May, 1703.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

W^m SMITH,
PETER SCHUYLER, } Esq^{rs}
SA: SH: BROUGHTON, }

RIP VAN DAM, } Esq^{rs}
CALEB HEATHCOTE, }
JOHN BRIDGES, }

Killian van Ranslaer and John Abeel Esq^{rs} of the house of Representatives layd before his Excellency in Council a Bill for taking off the duties payd on goods carried up Hudsons river & Setling an Equivalent for the same which was read the first time and orderd a second Reading.

Ordered, that the Com^{rs} for managing the office of Collector and Receiver Generall of this province do lay before this board an account of what the duties payd on such goods do amount unto *Communibus annis*, as also an Estimate of what the duty Setled by the said Bill in lieu thereof may amount unto and lay the same before this board as soon as possible

Adjourned till to morrow morning

At a Council held at ffort Anne this Eighth day of May, 1703.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

WILLIAM SMITH, } Esq^{rs}
PETER SCHUYLER, }

SA: SH: BROUGHTON, } Esq^{rs}
RIP VAN DAM, }

His Excellency layd before this board a Bill for the laying out Regulating Clearing and preserving publick Comon highways throughout this Colony, the same having been Dd to his Lordship by members of the house of Representatives appointed to do the same which was read the first time and ordered a second reading and that the said Bill do ly in the mean time on the table for the members of this board to peruse.

Adjourned till Munday morning

At a Council held at ffort Anne this 11th day of May, 1703. Post Meridiem.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

W^m SMITH,
PETER SCHUYLER, } Esq^{rs}
SA: SH: BROUGHTON, }

W^m LAWRENCE, } Esq^{rs}
GERRARD BECKMAN, }

The Bill for laying out Regulating Cleering and preserving publick Comon highways throughout this Colony was read the second time and Referred to the Council or any three of them.

At a Council held at ffort Anne this 13th day of May, 1703.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

W^m SMITH,
PETER SCHUYLER, } Esq^{rs}
SA: SH: BROUGHTON, }

W^m LAWRENCE,
GERRARD BEEKMAN, } Esq^{rs}
CALEB HEATHCOTE, }

His Excellency layd before the board a Bill for the better Explaining and effectuall putting in Execution An Act of Generall assembly Intituled, An Act for defraying of the publick and necessary Charge throughout this province and for mainteining the Poor and preventing Vagabonds the same having been Dd to him by members of the house of Representatives appointed thereunto, which was read the first time and ordered a second Reading.

The petition of Coll^o Nicholas Bayard and Alderman John Hutchins was read and granted and

Ordered, that the Attorney Generall do prepare a Bill as desired.
Adjourned till to morrow morning

At a Council held at ffort Anne this fourteenth day of May, 1703.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

W^m SMITH,
PETER SCHUYLER, } Esq^{rs}
SA: SH: BROUGHTON, }

W^m LAWRENCE,
RIP VAN DAM, } Esq^{rs}
CALEB HEATHCOTE, }

Whereas there has been dispersed in this province very lately Severall prints from England Intituled, *The Case of William Atwood Esq^r late Chief Justice of this province & Judge of the Vice Admiralty*, Conteyning severall false Scandalous malicious and notorious untruths with unjust Reflexions on the persons in the present Admicōn of this goverment and a great number of the Chief & principall Inhabitants of this province Contrived on purpose as is supposed to Inflame those differences and divisions which his male admicōn greatly Incouraged and Countenanced in this province, as also some other papers and petitions notoriously false and signed by severall persons in this Colouy And Whereas the Generall assembly of this s^d Colony happens now to be in Convention The Gents of her Majties Council do humbly pray of his Excellency the Governor that the said Case together with such other papers as have Relation thereunto may from this board be Recomendēd to the house of Representatives and that they may be desired to take the same into due Consideration, that the manifold falsehoods therein may be detected and made manifest by such wayes and meanes as they shall think most agreeable to Justice.

His Excellency is pleased to Concurr with the Gents of the Council therein and to give them leave to lay the same before the said house of Representatives, and Rip van Dam Esq^r is hereby Desired to Carry the same to the s^d house

Adjourned till Munday morning

At a Council held at ffort Anne, this 17th day of May, 1703.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

W^m SMITH,
PETER SCHUYLER, } Esq^{rs}
SA: SH: BROUGHTON, }

RIP VAN DAM, } Esq^{rs}
JOHN BRIDGES, }

Ordered, that Coll^o Peter Schuyler, Rip van Dam and John Bridges Esq^{rs} be a Committee of this board to meet the Committee appointed by the house of Representatives to Consider of the print and papers transmitted from his Excellency and Council the 14th Instant to the s^d house. The said house of Representatives having sent a Message to this board by M^r De Lancy and M^r Renslaer Desiring the same.

Adjourned till to morrow morning.

At a Council held at ffort Anne, this 18th day of May, 1703.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

W^m SMITH,
PETER SCHUYLER, } Esq^r
SA : SH : BROUGHTON, }

RIP VAN DAM, } Esq^r
JOHN BRIDGES, }

Henry Beekman and William Willet Esq^r from the house of Representatives layd before his Excellency in Council the Bill for the Better and more speedy Recovery of the forfeiture of six pounds for persons not appearing upon detachments & performing the service required according to the purport of An Act of gen^l Assembly of this Colony made in the first year of her Majties reigne Entituled An Act for the better Setling the Militia of this Province &c.

Which was read the first time and ordered a second Reading.

His Excellency layd before this board A Bill for the better Explaining one Act of assembly Entituled, An Act to enable the respective towns within this province to build and repaire their meeting houses and other publick buildings and also to enable the severall Counties of Richmond and Westchester to erect Comon Gooales and other publick buildings for the service of the s^d Counties.

W^{ch} was read the first time and ordered to lye on the table to be perused by the Gents of the Council.

A Bill: Intituled, An Act declaring the Illegality of the proceedings against Coll^o Nicholas Bayard and Alderman John Hutchins for pretended High Treason was prepared and layd before this board by the Att Gen^l according to the order of the 13th Instant, and read the first and second time and Comitted to the Council or any three of them.

Adjourned till to morrow morning nine of the Clock.

At A Council held at ffort Anne, this 19th day of May, 1703.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

W^m SMITH,
PETER SCHUYLER, } Esq^r
SA : SH : BROUGHTON, }

RIP VAN DAM, Esq^r,
JOHN BRIDGES, Do^r of Laws.

Coll^o W^m Smith Chairman of the Comittee of the Council to whom the Bill Intituled An Act declaring the Illegality of the proceedings against Coll^o Nicholas Bayard and Alderman John Hutchins for pretended High Treason was Comitted Reported from the s^d Comittee That these words [and for Reversing and making null and voyd the said Judgments and all proceedings thereon] ought to be Inserted after the word [Treason] in the end of the title of the said Bill and that then the said Bill do passe her Majties Council.

Which Report was read and approved of and

Ordered, yt the Clark of the Council do amend the same accordingly which being done & the said Bill being read the Third time

Resolved, the same do passe the Council, and be sent down to the house of Representatives for their Concurrence, and Do^r Bridges desired to carry the same.

The Bill for the better and more speedy Recovery of the forfeiture of six pounds for persons not appearing upon detachments and performing the service required according to the purport of An Act of Generall assembly of this Colony made in the first yeare of her Majties Reigne Intituled, An Act for the better settling the Militia of this province was read the second time and Comitted to the members of this board or any three of them.

Adjourned till to morrow morning.

At a Council held at ffort Anne, this 20th day of May, 1703.

PRESENT —

His Excellency EDW^d Viscount CORNBURY, &c.,

PETER SCHUYLER, } Esq^r
SA : SH : BROUGHTON, }

JOHN BRIDGES, Do^r of Laws,

The Gentlemen of her Majties Council do humbly offer unto his Excellency that a Message may be sent from this board to the house of Representatives desiring their Concurrence with the members of this board in forming and signing an Adresse to her Most sacred Majtie Congratulating the late glorious succeesse of her Majties arms both by Sea and Land.

Which his Excellency agreed to.

Ordered, that the Attorney Generall do carry the said Message.

Adjourned till to morrow morning.

21th May 1703 Adjourned till to morrow morning.

At a Councill held at ffort Anne, this two and twentieth day of May, 1703.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

SA : SH : BROUGHTON, }
W^m LAWRENCE, } Esq^r
GERRARD BEEKMAN, }

RIP VAN DAM, Esq^r,
JOHN BRIDGES, Do^r of Laws.

His Excellency layd before the board the Bill Intituled, An Act Declaring the Illegality of the proceedings against Coll^o Nicholas Bayard and Aldernan John Hutchins for pretended High Treason and for reversing and making null and voyd the said Judgments and all proceedings thereon the same having been Dd to him by members of the house of Representatives appointed thereunto, they having passed the same without any amendment.

His Excellency also layd before the board the Bill Intituled, An Act for the better Establishment of the Maintenance for the Minister of the City of New York the same having been delivered to him by members of the house of Representatives appointed thereunto which was read the first time and ordered a second Reading.

The Gentlemen of her Majties Councill do humbly offerr to his Excellency if it will not be proper and necessary in an Adresse humbly to represent to her Majtie the great hardshippes this poor province hath laboured under during the late warr and how utterly Impossible it will be for the same to support and defray soe great a Charge as must necessarily arise for the building, erecting and Repairing such fortifications as will be Inevitably necessary for the safety and defence not only of this province but of all her Majties other Territories in North America especially when it comes to be Considered that through the great neglect ill managment and misapplication of the Revenue here by those who lately exercised the power of goverment in this province, the fortifications on the frontiers have been totally decayed and Ruined and her Majties revenue here under a very Considerable debt that our trade and people as well as her Majties Revenue arising by Custome here are also very much diminished by the Charter and proprietary governments Contiguous to this where the Crown hath no Revenue, nor is the trade burdened with any Imposition and where such as desert her Majties service as well of her Majties standing forces here as detachments made in this province are Entertained harboured Concealed Employed and protected and from whence sundry goods in small parcells are divers times Imported into this province Contrary to the severall Acts of trade. That in Consideration thereof her Majtie will be graciously pleased to succour this province out of her revenue in England and that such money as his late Majtie of Blessed Memory was pleased to direct should be payd out of his Treasury at home for carrying on the said fortifications may be allowed and payd as was thereby directed, and that since we are very sensible what little dependence there is to be had upon the Quotas of the severall adjacent Colonies according to his late Majties order as is aforesaid they having Generally Excused and evaded the payment thereof for such reasons as they have from time to time suggested that her Majtie will Intend her Compassion of the great danger to which this province is Exposed and be pleased to give such effectuell direccōns therein that the said adjacent Colonies may be obliged to Comply therewith, or otherwise as her Majtie in her great wisdom and wonted Clemency shall think fitt, that his Excellency be humbly prayed to lay the same before her Majtie and that he will be also pleased so effectually to represent the matter to her said Majtie and the goverment at home that this poor province may find relief thereby.

Which his Excellency agreed to.

Ordered, that a Message be sent from this board to the house of Representatives desiring their Concurrence with the members of this board in forming and signing the s^d addresse and that the Attorney Generall do carry the said Message.

Adjourned till Munday morning.

24th May 1703. Adjourned till to morrow morning.

At a Council held at ffort Anne this five and twentieth day of May, 1703.

PRESENT — His Excellency EDWARD Viscount CORNBURY, &c.,

PETER SCHUYLER,
SA : SH : BROUGHTON, } Esq^r
W^m LAWRENCE,
GERRARD BEEKMAN, }

RIP VAN DAM, } Esq^r
CALEB HEATHCOTE, }
JOHN BRIDGES, Do^r of Laws.

Ordered, that Sampson Shelton Broughton, Caleb Heathcote Esq^r and John Bridges Do^r of Laws be a Committee of this board to meet a Committee appointed by the house of Representatives to prepare an Adresse to her Most Sacred Majestie Congratulating the late glorious successe of her Majties arms both by Sea and Land, and ordered, that W^m Lawrence Esq^r do carry the said message; Thomas Garton & John Jackson Esq^r from the house of Representatives having acquainted his Excellency that the s^d house had appointed a Com^{tee} for that purpose on the message sent to them by this board on the 20th Instant.

The Resolve of the Committee of the house of Representatives on the Pamphlett stiled *Atwoods Case*, Referred to the Council on any three of them.

Adjourned till to morrow morning.

At a Council held at ffort Anne this 26th day of May, 1703.

PRESENT — His Excellency EDWARD Viscount CORNBURY, &c.,

PETER SCHUYLER,
SA : SH : BROUGHTON, } Esq^r
W^m LAWRENCE,

RIP VAN DAM, } Esq^r
CALEB HEATHCOTE, }

Sampson Shelton Broughton Esq^r Chairman of the Committee of the Council to whom the Bill for the laying out Regulating Clearing and preserving publick Comon highways throughout this Colony was Referred Reported to his Excellency in Council that the said Committee are of opinion that there are some deficiencies in the same but in Regard the defects thereof will the better appeare on the Report of the Com^{tee} thereby appointed after they have made some progresse therein they are humbly of opinion that the said Bill ought to passe without any Amendment.

The said Report being read was approved of and ordered that the said Bill be read the third time.

The Bill Intituled, An Act for the better Establishm^t of the maintenance of the Minister of the City of New York was read the second time and Comitted to the members of this board or any three of them.

The Bill Intituled, An Act for the better Explaining and effectually putting in Execution An Act of Generall Assembly Entituled, An Act for defraying of the publick and necessary Charge throughout this province and for maintaining the Poor and preventing Vagabonds was read the second time and Comitted to the members of this board or any three of them

Adjourned till to morrow morning.

27th May 1703 Adjourned till four of the Clock afternoon.

At a Council held at ffort Anne this seaven and twentieth day of May, 1703.

PRESENT — His Excellency EDWARD Viscount CORNBURY, &c.,

PETER SCHUYLER,
SA : SH : BROUGHTON, } Esq^r
GERRARD BEEKMAN, }

RIP VAN DAM, } Esq^r
CALEB HEATHCOTE, }

The Speaker attended by the whole house of Representatives Dd an Adresse from them to his Excellency this day in Council.

Sampson Shelton Broughton Esq^r Chairman of the Committee of the Council to whom the Bill for prohibiting the Distilling of Rum and Burning of Oyster shells into Lime within the City of New York or within half a miles distance of the City hall of the said City was Comitted humbly Reported to his Excellency in Council that they had gone through the s^d Bill and made some amendments.

Which were read and agreed to by this board, then the said Bill was read the third time with the amendments.

Resolved, the same do passe the Councill and be sent down to the house of Representatives for their Concurrence to the said amendments, and the Attorney Generall desired to carry the same

The Bill for laying out Regulating Clearing and preserving publick Comon highways throughout this Colony was read the third time

Resolved, the same do passe the Councill without any Amendment.
Adjourned till to morrow morning.

28th May 1703. Adjourned till to morrow morning.

At a Councill held at ffort Anne in New York this 31th day of May, 1703.

PRESENT—

His Excellency EDWARD Viscount CORNBURY, &c.,

PETER SCHUYLER, }
SA: SH: BROUGHTON, } Esq^r

RIP VAN DAM, Esq^r
JOHN BRIDGES, Do^r of Laws.

Sampson Shelton Broughton Esq^r Chairman of the Committee of the Councill to whom the Bill Intituled, An Act for the better and more speedy Recovery of the forfeiture of six pounds for persons not appearing upon detachments and performing the service required according to the purport of an act of Generall assembly of this Colony made in the first yeare of her Majties reigne Intituled, An Act for the better Setling the militia of this province &c was Comitted humbly Reported from the said Committee that the said Bill do passe without any amendment.

Which report was read and approved of and

Ordered, the said Bill be read the third time.

Sampson Shelton Broughton Esq^r Chairman of the Committee of the Councill to whom the Bill Intituled, An Act for the better Explaining and effectuall putting in Execution An Act of Generall assembly Intituled, An Act for defraying of the publick necessary Charge throughout this province and for maintaining the Poor and preventing Vagabonds was Comitted, humbly Reported to his Excellency in Councill from the said Committee as follows vizt

That they had gone through the said Bill and made some amendments. Which were read & agreed to by this board.

Ordered, the said Bill together with the Amendm^{ts} be read the third time.

The Bill Intituled, An Act for vesting and Setling the Estate of David Briggs late of South-hampton in the County of Suffolk pursuant to a deed of Settlement made by the said David Briggs according to the true intent and meaning of the said David Briggs Express in the said deed of Settlement being layd before this board by Myndert Schuyler Esq^r from the house of Representatives the same was read the first time and ordered a second reading.

Coll^o Henry Beekman from the house of Representatives acquainted his Excellency in Councill that the said house have agreed to the amendments in the Bill for the prohibiting the Distilling of Ruin and Burning of Oyster Shells into Lime, within the City of New York or within half a miles distance of the City hall of the sd City sent down to them from this board the 27th Instant

Ordered, that the Clark of the Councill do amend the same accordingly.

The Chief Justice the Attorney Generall and second Justice of this province this day Reported to his Excellency in Councill that in obedience to the order of this board of the fifth Instant they had perused and Considered of the Bill Intituled, An Act Impowering Justices of the peace to hold pleas of Debt and Trespasse of small value and are humbly of opinion that his Excellency by his Letters patents being Impowered with the advice and consent of her majties Councill to Erect Constitute and Establish such and so many Courts of Judicature and publick Justice within this province as he and they shall think fitt and necessary for the hearing and determining of all Causes as well Criminal as Civill according to Law and Equity and for awarding of execution thereupon with all reasonable and necessary powers fees & priviledges belonging unto them and the Courts of Judicature which now are in this province having been Established by ordinance of the Gov^r in Councill for the time being the defects proposed to be remedied by the said bill are most properly to be done by his Excellency in Councill.

Which report being read was approved of.

Adjourned till to morrow morning.

At a Councill held at ffort Anne in New York this first day of June, 1703.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

PETER SCHUYLER,
W^m LAWRENCE,
GERRARD BEEKMAN, } Esq^r

RIP VAN DAM, Esq^r
JOHN BRIDGES, Do^r of Laws.

The Bill Intituled, An Act for the Better and more Speedy Recovery of the forfeiture of six pounds for persons not appearing upon detachments and performing the service required according to the purport of An Act of Generall Assembly of this Colony made in the first year of her Majties Reigne Entituled, An Act for the better settling the militia of this province &c Was read the third time.

Resolved, the said Bill do passe the Councill and that Rip van Dam Esq^r do acquaint the house of Representatives that the same is passed without any amendment.

The Bill Intituled, An Act for the better Explaining & more effectuall putting in Execution An Act of Generall Assembly Entituled, An Act for defraying of the publick and necessary Charge throughout this province & for mainteining the Poor and preventing vagabonds was read the third time together with the amendments

Resolved, the said Bill with the amendments do passe the Councill and that Rip van Dam Esq^r do carry the same to the house of Representatives for their Concurrence to the said amendments

The Bill Intituled, An Act for vesting and Settling the Estate of David Briggs late of Southampton in the County of Suffolk pursuant to a deed of settlement made by the said David Briggs according to the true Intent and meaning of the said David Briggs Expressed in the said Deed of Settlement was read the second time and Comitted to the members of this board or any three of them; and the said Committee is hereby appointed to send for persons papers and Records.

The Bill Intituled, An Act for taking off the duties paid on Goods carried up Hudsons river and settling an Equivalent for the same read the second time and Comitted to the members of this board or any three of them.

On further consideration of the Report of the Chief Justice the Attorney Generall and the second Justice of this province made yesterday to the board on the Bill Intituled, An Act Impowering Justices of the peace to hold pleas of Debt and Trespasse of small value

Ordered, that it be referred back to the said persons to prepare such an ordinance as will supply the defects proposed to be remedied by the said Bill, and lay the same before this board, and

Ordered, that the Secretary of the province do lay before the said Committee the Ordinance made in the year 1699 by the then Governor and Councill for that purpose

Sampson Shelton Broughton Esq^r took his place at the Board.

Ordered, that Sampson Shelton Broughton, Rip van Dam, Caleb Heathcote Esq^r and John Bridges Doctor of Laws or any three of them be a Committee of this board to meet the Committee of the house of Representatives to prepare an Adresse to her Most Sacred Majtie according to the message sent down from this board to the said house on the 22th May last

Adjourned till to morrow morning.

At a Councill held at ffort Anne in New York this second day of June, 1703.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

PETER SCHUYLER,
SA: SH: BROUGHTON,
W^m LAWRENCE, } Esq^r

GERRARD BEEKMAN,
RIP VAN DAM,
CALEB HEATHCOTE, } Esq^r

The Bill Intituled, An Act for the better Explaining and effectuall putting in Execution An Act of Generall assembly Intituled, An Act for defraying of the publick and necessary Charge throughout this province and for mainteining the Poor and preventing vagabonds was layd before his Excellency this day in Councill the house of Representatives having Consented to the amendments made thereto by the Councill

Ordered, that the Clark of the Councill do amend the same accordingly.

His Excellency layd before this board the Bill Intituled, An Act to Supply the Defects of An Act of Generall Assembly made in the first year of her present Majties Reigne Intituled, An Act for appointing and Enabling Com^{rs} to take state and Examine the accounts of the Revenue of this Colony, and the necessary Contingent Charge of the Government as also the Bill for Raising £1500 towards erecting two batteries at the Narrows, the same having been Dd to him

by members of the house of Representatives appointed to do the same, which was read the first time and ordered a second reading.

Sampson Shelton Broughton Esq^r Chairman of the Committee of the Council to whom the Bill Intituled, An Act for the better Establishment of a maintenance for the Minister of the City of New York was Comitted does humbly Report from the Said Committee that they have gone through the said Bill and have directed him to Report to this board that the same do passe without any amendment.

Which Report was read at the board and approved of and the said Bill being read the third time

Resolved, the said Bill do passe the Council.

Adjourned till to morrow morning.

At a Council held at ffort Anne in New York, this third day of June, 1703.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

PETER SCHUYLER,
SA : SH : BROUGHTON, } Esq^r
W^m LAWRENCE,

GERRARD BEEKMAN, } Esq^r
CALEB HEATHCOTE, }

Thomas Willet and Abraham Lakeman Esq^r from the house of Representatives layd before this board The Bill Intituled An Act for the better Regulating ffees which was read the first time.

Rip van Dam Esq^r and John Bridges Do^r of Laws took their places at this board

The Bill Intituled, An Act for the better Explaining one Act of Assembly Intituled, An Act to enable the Respective towns within this province to build and repair their Meeting Houses and other publick buildings, & also to enable the severall Counties of Richmond and Westchester to erect Comon Goales and other publick buildings for the service of the said Counties was read the second time and Comitted to the Council or any three of them.

The Bill for raising fifteen hundred pounds towards Erecting two Batteries at the Narrows was read the second time and Comitted to the Council or any three of them.

Sampson Shelton Broughton Esq^r Chairman of the Committee of the Council to whom the Bill Intituled, An Act for resting and settling the Estate of David Briggs late of South hampton in the County of Suffolk pursuant to a deed of settlement made by the said David Briggs according to the true Intent and Meaning of the said David Briggs Expressed in the said deed of Settlement was Comitted humbly Reported from the said Committee that they have gone through the said Bill and have directed him to Report to this board that in Regard it does not appeare (tho the said David Briggs did not leave issue of his body) but that he might leave an heir at Law to whom the Lands and Tenements in the said Bill mentioned to be Conveyed might legally descend by reason of the Imperfeccons of the said Conveyance.

Wee are therefore humbly of opinion that the passing the said Bill be for some time stayed least the passing thereof should prove prejudiciall to those whome the act of God has favoured.

The Bill Intituled, An Act to supply the defects of An Act of Generall Assembly made in the first yeare of her present Majties Reigue Intituled, An Act for appointing and Enabling Com^r to take, State and Examine the accounts of the Revenue of this Colony and the necessary Charge of the Government was read the second time and Comitted to the members of this board or any three of them.

Adjourned till to morrow morning.

4th June 1703 Adjourned till to morrow morning.

5th June 1703 Adjourned till Munday morning.

7th June 1703 Adjourned till to morrow morning.

8th June 1703 Adjourned till to morrow morning.

At a Council held at ffort Anne in New York this ninth day of June, 1703.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

PETER SCHUYLER,
SA: SH: BROUGHTON, } Esq^{rs}
W^m LAWRENCE,

GERRARD BEEKMAN, } Esq^{rs}
CALEB HEATHCOTE, }
JOHN BRIDGES, Do^r of Laws.

An Adresse from the house of Representatives to his Excellency was layd before this board by Killian van Ranslaer and Mathew Howell Esq^{rs} and read praying a warrant may issue for payment of £36 : 13s. 00d out of the revenues to the Com^{rs} for Executing the office of Collector and Receiver Generall for the attendance and service of the Clark and necessary Expenses of the Com^{rs} appointed for taking, stating and Examining the publick accounts of the Revenue of this Colony and the necessary Contingent Charge of the Government in discharging the trust reposed in them

Ordered, a warrant be prepared accordingly

His Excellency layd before the board the Adresse of the house of Representatives for paym^t of £20 to one Richard Greener the same having been Dd to him by Stephen De Lancy and Henry Beekman Esq^{rs} which was read and ordered to ly on the table.

The Report of the Gentl of the Council to whome the Bill for raising £1500 towards erecting two Batteries at the Narrows was referred being read this day at the board the said is Disapproved of and

Ordered, that it be Rereferred to the said Committee with direccōns Instead of the Clauses for appointing and Impowering a Treasurer to receive and pay the money Collected by virtue of the s^d act and giving him an allowance of 12^d in the pound for his soe doing a Clause be Inserted ordering the paym^t of the s^d moneys to the Com^{rs} for managing the office of Collector and Receiver Generall or the Collector and Receiver Generall of this province for the time being who shall be obliged to keep a Seperate acc^t of the receipts & payments of the moneys raised by the s^d act from all other moneys whatsoever.

Sampson Shelton Broughton Esq^r Chairman of the Committee of the Council to whom the Bill Intituled, An Act to supply the defects of an act of the Generall assembly made in the first yeare of her present majties Reigne Entituled, An Act for appointing and enabling Comissioners to take, state and Examine the accounts of the revenue of this Colony and the necessary Contingent Charge of the Government was Comitted does humbly report from the said Committee that they have gone through the said Bill and have directed him to report to this honorable board that the same do passe without any Amendment.

Which report being read was approved of.

This board having Reced Information that severall of the taxes formerly raised in this province are not Collected and payd according to the directions of the severall acts by virtue of which the same ought to have been payd by meanes whereof severall persons who have done services for and advanced moneyes to this government on account of the said taxes are still unsatisfied

Ordered, that a Message be sent to the house of Representatives desiring them to prepare a Bill of Review of all the said former taxes that remaine unpayd and Coll^o Heathcote is hereby desired to carry the s^d message

Ordered, that the Attorney Generall do prepare a Bill to oblige the Handlers at Albany who trade with the Indians to take out Licenses to retaile Strong Liquors, or that otherwise they shall be obliged to desist from trading with them.

Adjourned till to morrow morning

At a Council held at ffort Anne in New York this tenth day of June, 1703.

PRESENT —

His Excellency EDWARD Viscount CORNBURY,

PETER SCHUYLER,
SA: SH: BROUGHTON, } Esq^{rs}
W^m LAWRENCE,

GERRARD BEEKMAN, } Esq^{rs}
CALEB HEATHCOTE, }
JOHN BRIDGES, Do^r of Laws.

Sampson Shelton Broughton Esq^r Chairman of the Committee of the Council to whom the Bill for Raising £1500 towards erecting two batteries at the Narrows was Comitted Reported to this honorable board that the said Committee have gone through the said Bill and have made severall amendments which were read and approved of, And the said Bill together with the amendments was read the third time and passed the Council, and

Ordered, that the same be sent down to the house of Representatives for their Concurrence thereunto and M^r Attorney Generall is hereby Desired to carry the same.

The Gents of the Councill desire a Conference with the Gents of the house of Representatives at five of the Clock this afternoon at the widdow Schuylers house in New York on the Subject matter of the Bill Intituled, An Act for taking off the Duties payd on goods carried up Hudsons River and setting an Equivalent for the same, And

Ordered, that the Attorney Generall do carry the said message.

Ordered, that Peter Schuyler, Sampson Shelton Broughton, W^m Lawrence, Gerrard Beekman, Caleb Heathcote Esq^r and John Bridges Doctor of Laws or any three of them be the managers of the said Conference

The Bill Intituled, An Act to Supply the Defects of An Act of Generall assembly made in the first yeare of her present Majties reigne Entituled, An Act for appointing and Enabling Com^{rs} to take, state and Examine the accounts of the Revenue of this Colony and the necessary Contingent Charge of the Government was read the third time

Resolved, the said Bill do passe the Councill.

Sampson Shelton Broughton Esq^r Chairman of the Committee of the Councill to whom the Bill for the Better Explaining one Act of assembly Intituled, An Act to enable the Respective towns within this province to build or repair their meeting houses and other publick buildings and also to enable the severall Counties of Richmond and Westchester to Erect Comon Goales and other publick buildings for the service of the said Counties was Comitted Reported to this honorable board that the said Committee have gone through the said Bill and have made severall amendments, which were read and approved of And the said Bill together with the amendments was read the third time and passed the Councill and

Ordered, that the same be sent down to the house of Representatives for their Concurrence thereunto, and the Attorney Generall is hereby desired to carry the same.

Phillip ffrench and Mathew Howell Esq^r brought a Message from the house of Representatives acquainting this board that the said house on Consid^{on} of the message from his Excellency and Councill sent yesterday to them by Coll^o Heathcote do humbly request that an account of those severall persons who have done services and advanced moneys to this government, the sumes of money unpayd, and on the credit of what taxes in particular may be layd before them that they may be the better enabled to proceed in that matter.

The Gents of the Councill on Consid^{on} of the message from the house of Representatives brought by M^r ffrench and Coll^o Howell

Resolved, that Coll^o Heathcote do acquaint the s^d house that the reasons that Induced the Gents of the Councill to send the former Message proceeded from divers Complaints from persons who have well payd the taxes layd upon them by former acts of assembly and are mightily discouraged from soe doing for the future by seeing their neighbours Escape by not having Complied with the acts as they have done which they think very much tends to the disservice of the Crown and the safety of the Countrey for which reasons they are still of opinion that such a Bill will be of absolute necessity and that by their former message they had no regard how the moneys that might arise by such a Bill of Review should be applied thinking the most proper time to do that would be when they see what effect such a Bill would have.

Evert Banker and John Stillwell Esq^r from the house of Representatives layd before this board the Bill Intituled, An Act to ascertain the Assize of Casks, Weights, Measures and Bricks within this Colony which was read the first time and ordered a second Reading

Adjourned till to morrow morning.

At a Councill held at ffort Anne in New York this Eleaventh day of June, 1703.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

PETER SCHUYLER,
SA: SH: BROUGHTON,
W^m LAWRENCE,

} Esq^r

RIP VAN DAM,
CALEB HEATHCOTE,

} Esq^r

The petition of John Parker of the town of Southampton was read and

Ordered, that the Petitioner be heard by his Councill to morrow morning nine of the Clock.

The Bill Intituled, An Act to Ascertain the Assize of Casks, weights, Measures and Bricks within this Colony was read the second time and Comitted to the members of this board or any three of them.

Adjourned till to morrow morning.

At a Council held at ffort Anne in New York, this twelfth day of June, 1703.

PRESENT—

His Excellency EDWARD Viscount CORNBURY, &c.,

PETER SCHUYLER,
SA: SH: BROUGHTON, } Esq^{rs}
W^m LAWRENCE, }

RIP VAN DAM, } Esq^{rs}
CALEB HEATHCOTE, }
JOHN BRIDGES, Do^r of Laws.

Major Daniell Whithead brought a Message from the house of Representatives desiring a Conference on the subject matter of the amendments to the £1500 Bill. This board having considered of the Message brought to them by Major Whithead desiring a Conference on the subject matter of the Amendments to the 1500.£ Bill do agree to the said Conference and do appoint the same to be held Immediately at Sheppards and M^r Attorney Generall desired to acquaint the house of Representatives therewith.

Ordered, that the members of this board or any three of them be the managers of the £¹ Conference.

Coll^o Peter Schuyler Chairman of the Comittee of the Council to whom the Bill Entituled, An Act to Ascertain the Assize of Casks, Weights, Measures and Bricks within this Colony was Comitted humbly reported to his Excellency in Council that the said Comittee have gone through the said Bill and have made severall amendments thereto, which were read and approved.

Ordered, that the said Bill be read the third time.

M^r Emott appeared before this board on the behalfe of John Parker according to the order made yesterday for that purpose.

The said matter is referred till Munday morning next.

Adjourned till Munday morning.

14th June 1703 Adjourned till to morrow.

At a Council held at ffort Anne in New York, this 15th day of June, 1703.

PRESENT—

His Excellency EDWARD Viscount CORNBURY, &c.,

PETER SCHUYLER,
SA: SH: BROUGHTON, } Esq^{rs}
GERRARD BEEKMAN, }

RIP VAN DAM, } Esq^{rs}
CALEB HEATHCOTE, }

The Bill to ascertain the assize of Casks, Weights, Measures and Bricks within this Colony was read the third time together with the amendments and passed the Concencill and ordered to be carried down to the house of Representatives for their Concurrence to the said amendments and Coll^o Peter Schuyler is Desired to carry the same.

M^r Emott according to order appeared before this board and was heard on the petition of John Parker against passing the Bill Intituled, An Act for vesting and Setling the Estate of David Briggs late of Southampton in the County of Suffolk pursuant to a deed of Settlement made by the said David Briggs according to the intent and meaning of the sd David Briggs Express't in the said Deed of Settlement.

M^r Birkley also was heard his reasons for passing the same.

Ordered, the said matter be referred to further Consideration.

Adjourned till to morrow morning.

At a Council held at ffort Anne in New York, this 16th day of June, 1703.

PRESENT—

His Excellency EDWARD Viscount CORNBURY, &c.,

PETER SCHUYLER,
SA: SH: BROUGHTON, } Esq^{rs}
GERRARD BEEKMAN, }

RIP VAN DAM, } Esq^{rs}
CALEB HEATHCOTE, }

Cornelius Sebering and Joseph Purdy Esq^{rs} from the house of Representatives layd before this board the Bill for Raising £1500 towards erecting two Batteries at the Narrows and the Bill Intituled, An Act to Ascertain the Assize of Casks, Weights, Measures and Bricks within this Colony, the said house having made some amendments to the amendments made by this board to the said Bills. Which were read at the board and agreed to.

Ordered, that the Cl of the Councill doe amend the same accordingly.

His Excellency and the members of this board present signed the Ingrossed Addresse to her Majtie Congratulating the late glorious succeſſe of her Majties arms both by Sea and Land.

Ordered, that a Message be sent to the house of Representatives acquainting them that this board have agreed to the amendments made to the amendments in the Bill for raising £1500 towards erecting two Batteries at the narrows and the Bill to ascertain the Assize of Casks, Weights, Measures and Bricks within this Colony and

Ordered, that Coll^o Heathcote do carry the said Message as also the Addresse to her Majtie Congratulating the late glorious succeſſe of her Majties arms.

Killian van Ranslaer and Thomas Coddington Esq^r from the house of Representatives brought a Message desiring to know his Excellencies pleasure when he will be attended by them with the Addresse.

His Excellency told them to morrow morning.

Adjourned till to morrow morning

At a Councill held at ffort Anne in New York this Seaventeenth day of June, 1703.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

PETER SCHUYLER,
SA: SH: BROUGHTON, } Esq^{rs}
W^m LAWRENCE,
GERRARD BEEKMAN, }

RIP VAN DAM, } Esq^{rs}
CALEB HEATHCOTE, }
JOHN BRIDGES, Do^r of Laws.

His Excellency layd before the board the Addresse to her Majtie setting forth the present State and Condition of this province prepared by the Committees of the Councill and Generall Assembly appointed thereunto, the same having been sent up from the Assembly with some amendm^{ts} to which this board agreed

Ordered, that the Clerk of the Councill do amend the same, which when done

Ordered, that the same be Ingrossed against to morrow morning.

The Speaker with the whole house of Representatives attended his Excellency this day in Councill with the humble Addresse of the s^d house to his Lordship which was read by the Speaker & dd by him to his Excellency

Cornelius Sebering Esq^r from the house of Representatives Returned the Addresse to her Majtie to this board sent down to them yesterday by Coll^o Heathcote the whole house having signed the same.

W^m Lawrence Esq^r and John Bridges Do^r of Laws signed the same

Adjourned till to morrow morning.

At a Councill held at ffort Anne in New York this 18th day of June, 1703.

PRESENT —

His Excellency EDWARD, Viscount CORNBURY, &c.,

PETER SCHUYLER, }
SA: SH: BROUGHTON, } Esq^{rs}
W^m LAWRENCE, }

RIP VAN DAM, } Esq^{rs}
CALEB HEATHCOTE, }

A Bill for the better enabling the ffarmers of the Excise within the City of Albany to Collect their Excise and to prevent frauds therein having been prepared by the Attorney Generall was layd before this board and read the first and second time and Comitted to the members of this board or any three of them.

His Excellency layd before this board the Bill to oblige persons to pay their arreares of one thousand pounds tax granted by act of Generall Assembly of this province in the twelfth yeare of the Reigne of our late Sovereigne King W^m the third for building a fort at Onnondaga for the Security of the five nations of Indians, the same having been Dd to his Excellency by members of the Generall assembly appointed thereunto, which was read the first and second time and Comitted to the Members of this board or any three of them.

Coll^o Caleb Heathcote Chairman of the Committee of the Councill to whome the Bill Intituled, An Act for the better enabling the ffarmers of the Excise within the City of Albany to Collect their Excise and to prevent frauds therein humbly reported to his Excellency in Councill from the Said Committee that they have gone through the Said Bill and have made some amendments thereto. Which were read and approved of, and ordered to be inserted therein by the Clark of the Councill. Which being done

The said Bill was read the third time and passed the Council and ordered to be sent down to the General assembly for their Concurrence, and Coll^o Heathcote is hereby Desired to carry the Same

Coll^o Peter Schuyler Chairman of the Committee of the Council to whome the Bill Intituled, An Act to oblige persons to pay their arrears of one thousand pounds tax granted by Act of General assembly of this province in the twelfth yeare of the reigne of our late Sovereigne King W^m the third for building a fort at Onnondaga for the Security of the flive nations of Indians Reported to his Excellency in Council that the s^d Committee have gone through the s^d Bill & have directed him to report that the same do passe without any amendment

Which report being read was approved of and the s^d Bill was read the third time and passed the Council.

Sampson Shelton Broughton Esq^r Chairman of the Committee of the Council appointed to meet the Committee of the house of Representatives on the subject matter of the Bill for taking off the duties payd on Goods carried up the Hudsons river &c reported from the s^d Committee that the Committee of the house of Representatives will not agree to the amendm^t proposed by the Committee of the Council to the s^d Bill

The Adresse to her Majtie setting forth the State and Condition of the province having been Ingrossed by the Cl of the Council according to an order made yesterday by this board for that purpose was read and signed by his Excellency and the Gents of the Council present and Coll^o Heathcote desired to carry the same down to the house of Representatives

Adjourned till to morrow morning.

At a Council held at ffort Anne in New York this 19th day of June, 1703.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

PETER SCHUYLER,
SA: SH: BROUGHTON, } Esq^{rs}
W^m LAWRENCE,

RIP VAN DAM,
CALEB HEATHCOTE, } Esq^{rs}
JOHN BRIDGES, Do^r of Laws.

His Excellency ordered the Cl of the Council to acquaint the house of Representatives that his Lordship Desired their attendance Immediately at the flort.

The Speaker with the whole house being present in the Council Chamber his Excellency gave the Assent to the following Bills enacting them and ordering them to be enrolled vizt

1 An Act to enable the Justices of the peace for the City and County of Albany to repair or to Rebuild a Comon Goale and City and County hall for the Said City and County & to pay their arrears of their publick Charge

2 An Act to enable the Minister and Elders for the time being of the French protestant Church in the City of New York to build a larger Church for the worship of Almighty God in that Congregation to hold to them and their Successors for ever

3 An Act declaring the Illegality of the proceedings against Coll^o Nicholas Bayard and Alderman John Hutchins for pretended high Treason and for reversing and making null and voyd the Said judgments and all proceedings thereon.

4 An Act for the laying out Regulatng Cleering and praeserving publick Comon highways throughout this Colony.

5 An Act for prohibiting the Distilling of Rum and burning of Oysters, oyster shells or Stone into Lime within the City of New York or within half a miles distance of the City hall of the s^d City.

6 An Act for the better Explaining and more effectuell putting in Execution An Act of Generall Assembly made in the third yeare of the Reigne of their late Majties King W^m and Queen Mary Intituled, An Act for defraying of the publick and necessary Charge throughout this province and for maintaining the Poor and preventing Vagabonds.

7 An Act for the Better Establishment of the maintenance for the Minister of the City of New York

8 An Act for the Better and more speedy recovery of the forfeiture of six pounds for persons not appearing upon Detachments and performing the Service Required according to the purport of An Act of Generall assembly of this Colony made in the first yeare of her Majties reigne Intituled, An Act for the better Setling the militia of this province &c

9 An Act to supply the Defects of An Act of Generall assembly made in the first yeare of her present majties reigne Intituled, An Act for appointing and enabling Com^{rs} to take State and Examine the accounts of the Revenue of this Colony and the necessary Contingent Charge of the Govern^t.

10 A Bill for raising £1500 towards erecting two batteries at the Narrows or passage between Staten and Long Island.

11 An Act to Ascertain the Assize of Casks, Weights, Measures and Bricks within this Colony.

12 An Act to oblige persons to pay their arrears of one thousand pounds tax granted by Act of Generall assembly of this province in the twelfth yeare of the Reigne of our late Sovereigne King W^m the third for building a fort at Omondaga for the Security of the five nations of Indians.

Then his Excellency adjourned the Generall Assembly untill the second Tuesday in September next, and the Generall assembly is adjourned accordingly.

[IN EXECUTIVE SESSION.]

At a Councill held at ffort Anne in New York, this 31th day of August, 1703.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

SA: SIR: BROUGHTON, }
RIP VAN DAM, } Esq^{rs}
JOHN BRIDGES, }

THOMAS WENHAM, }
MATHEW LING, } Esq^{rs}

Assembly
adjourned

Ordered, a proclamation forthwith issue for adjourning the Generall Assembly of this province from the second Tuesday in September to the first tuesday in October next.

NINTH ASSEMBLY THIRD SESSIONS.

At a Councill held at ffort Anne in New York, this fourteenth day of October, 1703.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

SA: SIR: BROUGHTON, }
RIP VAN DAM, } Esq^{rs}
JOHN BRIDGES, }

THOMAS WENHAM,
MATHEW LING.

Myndert Schuyler and Evert Banker Esq^{rs} from the Generall Assembly Desired that Andries Donw Esq^r (Elected and Chosen a Representative in Generall assembly for the Colony of Renslaerwick in the County of Albány in the Room and stead of Killian van Ranslaer Esq^r whom her Majtie hath been pleased to appoint to be one of her privy Councillers of this province) may take the oaths appointed by act of Parliam^t to be taken instead of the oaths of Allegiance and Supremacy and Subscribed the Test which was done in Councill.

Edward Cole Messenger of the Councill took the said oaths & Subscribed the Test.

His Excellency ordered the Clark of the Councill to acquaint the Generall Assembly that his Lordship Expected their attendance Immediately. Which having been done and the Speaker with seaventeen of the sd members being present his Excellency sayd

Gentlemen,

I Am sorry the Season of the Year is so far advanced, that you cannot have so much Time for your Deliberations as I could wish, because there are many Things, that will in due Time require your Consideration; but at this Time, I shall only recommend to the Consideration of you, Gentlemen of the House of Representatives, the providing a sufficient Fund, for the Paying such a Number of Men, as may be necessary to be sent to Albany, for the Defence of the Frontiers this Winter; the number which I think necessary to be detached for that Service, is 130 Men, with their proper Officers, including the Out-Scouts. I should have desired a greater Number, but that I consider the Condition of the Province at this Time, therefore, I am willing to make the Charge as little as possible; but I must recommend it to your Care, to provide such a Coertion in your Bill, as may be effectual, for the bringing in the Money, by the time you shall think fit to appoint, else I am afraid, People will be as backward in their Payments, as they have been in the *Eighteen Hundred Pounds* Tax, which is not yet all paid, though the Time appointed, was the 25th Day of March last; if any Thing occurs to your Thoughts for the Good of this Colony, which may require the Assistance of an Act of Assembly at this Time, you shall always find me ready to concur with you, in all such Things as may be for the real Good of the Country.

I must now acquaint you, Gentlemen, that the great Queen of England, my Mistress, has been pleased to ease this Province of a Burthen, which by Custom, has long lain upon it, I mean, that of Presents to the Governois or Commanders in Chief of this Colony; her Majesty has been graciously pleased to confirm that Act, by which the last Fall, you were so kind as to give to me a very great Present, but at the same Time, her Majesty has commanded me to acquaint you, that she has given the necessary Orders, for preventing any Governor, Lient. Governor or Commander in Chief, from receiving any Presents for the Future; that Order, I have here in my Hand, and pursuant to the Queen's Commands, I have caused it to be entered in the Council Books. And I desire you, Mr. Speaker, to take Care that it be entered at large in the Journals of your House. I have nothing more to offer to you at this Time, only to desire you, to give all possible Dispatch to the Matters before you, for I am obliged upon the Queen's Service, to be at Amboy, at the very Beginning of the next Month.

Then the Speaker and the members of the Generall assembly hereafter mentioned Swore to and Subscribed the Abjuration oath before his Exceellency in Councill vizt

William Nicoll,
Stephen De Lancey,
Henr Beekman,
John Jackson,
Thomas Garton,
Tho Codrington,
John Abeel,
Evert Banker,
John Stillwell,

} Esq^{rs}

Myndert Schuyler,
W^m Willet,
Joseph Purdy,
Andries Douw,
the mark of
Abraham A Lakeman,
floris Crom,
Josiah Hunt,
Cornelius van Brunt,

} Esq^{rs}

Gabriell Ludlow Clark of the Generall Assembly also Swore to and Subscribed the Abjuration oath.

At a Councill held at ffort Anne, this 18th day of October, 1703.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

WILLIAM LAWRENCE,
GERRARD BEEKMAN,

} Esq^{rs}

RIP VAN DAM,
JOHN BRIDGES,

} Esq^{rs}

Jacobus van Cortlandt, Mathew Howell and Cornelius Sebering Esq^{rs} Members of the Generall assembly took the oaths appointed by act of parliament to be taken instead of the oathes of Allegiance and Supremacy and subscribed the Test, and swore to and subscribed the Abjuration oath.

Henry Beekman and Stephen De Lancey Esq^{rs} from the Generall assembly prayed to know when his Exc^{ell} will be pleased to be attended with the humble addresse of the said house.

His Exceellency told them that to morrow morning at nine of the Clock he would be ready to Receive the same.

At a Councill held at ffort Anne, this 19th day of October, 1703.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

SA : SH : BROUGHTON,
W^m LAWRENCE,
RIP VAN DAM,
JOHN BRIDGES,

} Esq^{rs}

CALEB HEATHCOTE,
MATHEW LING,

The Speaker attended by the Generall assembly presented an Adresse from them to his Exceellency this day in Councill & withdrew.

At a Council held at ffort Anne this one and Twentieth day of October, 1703.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

SA : SH : BROUGHTON, }
W^m LAWRENCE, } Esq^{rs}
JOHN BRIDGES, }

CALEB HEATHCOTE, }
THOMAS WENHAM, } Esq^{rs}
MATHEW LING, }

Stephen De Lancey & Myndert Schuyler Esq^{rs} from the Generall assembly layd before his Excellency in Council The Bill Intituled, An Act for levyng and Collecting the sume of Thirteen hundred pounds for maintaining one hundred fluzileers with their proper officers and Thirty men with their proper officers to be Employed as Scouts for the Defence of the frontiers, the same having passed the Generall assembly

The said Bill was read the first and second time and Comitted to the Gentl of the Council or any three of them.

At a Council held at ffort Anne in New York this 23th day of October, 1703.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

W^m LAWRENCE, }
RIP VAN DAM, } Esq^{rs}
JOHN BRIDGES, }

CALEB HEATHCOTE, }
THOMAS WENHAM, } Esq^{rs}

Sampson Shelton Broughton Esq^r Chairman of the Comittee of the Council to whom the Bill Intituled, An Act for Levyng and Collecting the sume of £1300 for maintaining one hundred fluzileers with their proper officers and thirty men with their proper officers to be Employed as Scouts for the Defence of the frontiers was Comitted on the one and twentieth Instant Reported from the said Comittee that they had gone through the said Bill and are of opinion that the same do passe without any amendm^t.

Which Report was read and approved of And the said Bill was Read the third time and passed the Council.

Ordered, that Coll^o Thomas Wenham Do acquaint the Generall assembly that the Bill Intituled, An Act for Levyng and Collecting the sume of Thirteen hundred pounds for maintaining one hundred fluzileers with their proper officers and Thirty men with their proper officers to be Employed as Scouts for the Defence of the frontiers is past the Council without any amendm^t

Ordered, that the Cl of the Council do acquaint the house of Representatives that his Excellency desires their attendance Imediately at the ffort which having been done, the Speaker with the whole house being present his Excellency gave his assent to the Bill Intituled, An Act for levyng and Collecting £1300 &c and

Adjourned the Generall assembly to the second Tuesday in April next.

Then his Excellency and Council with the Generall assembly went to the City hall where the s^d act of assembly was published

NINTH ASSEMBLY FOURTH SESSIONS.

At a Council held at ffort Anne in New York this thirteenth day of Aprill, 1704.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

PETER SCHUYLER, }
SA : SH : BROUGHTON, } Esq^{rs}
THOMAS WENHAM, }

MATHEW LING, }
KILLIAN VAN RENSLAER, } Esq^{rs}

His Excellency ordered the Clark of the Council to acquaint the Generall assembly that his Lordship Expected their attendance Imediately at the fort The Clark of the Council Returned

and acquainted his Excellency in Council that the Speaker of the house had informed him that the Generall assembly were adjourned untill two of the Clock this afternoone.

Adjourned till three of the Clock afternoone.

Post Meridien

PRESENTIUS —

Wisdom

His Excellency ordered the Clerk of the Council again to acquaint the Generall Assembly that his Lordship Required their attendance Immediately at the fort Which having been done and the Speaker with of the said house being present his Excellency said

Gentlemen,

The Time to which you were adjourned the last Year being come, I am glad to see so many of you ready to attend the Service of the Queen and your Country, by which Means, I hope, there may be such Dispatch, given to the Matters which will be laid before you, and that you may think proper to be done, that I may be at Liberty, to attend the Service of the great Queen of England, my Mistress, in the Neighbouring Province, some Time in May; the Things which I shall more particularly recommend to the Consideration of you Gentlemen, of the House of Representatives, are these. *First*, The Security of the Frontiers, which I am afraid cannot be thought so secure now, as they were last Year; the good Success our Enemies the *French*, with some of their *Indians*, have had against our Neighbours of New England, who by their Carelessness, have suffered themselves to be surprised and cut off at Deerfield, may perhaps encourage them to attempt our Frontiers likewise; though I hope (if they do) they will find us more watchful and in a better Posture than our Neighbours; however, I think it will be absolutely necessary, that some Men may be raised, and sent up for the Defence of the Frontiers for the Year ensuing; the Number I think proper, is 150 Men, to be employed thus, 30 Men to be added to the Garrison of Schenectady, 30 at Nistigaone, 30 at the Half Moon, 30 at Kinderhook, and 30 to be dispersed in the Out Farms; by this Means, I hope, I shall be able to prevail with the Inhabitants, not to desert their Farms, which I am informed, they will very speedily do if not protected.

The next Thing, which I most earnestly recommend to your serious Consideration is, the Condition of her Majesty's Revenue in this Colony, which is now very small. There was an Act of the General Assembly of this Colony, past in the Year 1698, entitled, An Act, for raising an Additional Duty, for the defraying the Debts of the Government; but that Act was to continue in Force for two Years only, and no longer, which Time is long since expired; I only mention this to you, because I think the Methods prescribed in that Act, will appear as easy as any that can be thought of; however, I shall leave it wholly to your Considerations, to use such Methods as you shall think proper, only, I must acquaint you, that unless some Care is now taken, the Revenue will not answer the necessary Charges of the Government.

I must acquaint you, Gentlemen, that her most Sacred Majesty the Queen, who is always watchful for the Good of her Subjects, and considering the Danger that some of her Subjects of this Colony, were exposed to, by the wicked Construction put by the then Chief Justice, upon an Act of Assembly, passed in April 1691, (entitled, An Act, for the quieting and settling the Disorders, that have lately happened within this Province, and for the Establishing and securing their Majesty's present Government, against the like Disorders for the future) has been pleased to Command me, to recommend to you, the repealing the last Clause in the said Act, her Majesty being satisfied, that the Laws now in Force in England, are sufficient to punish any Person, who shall offend in that Manner in these Parts. This, Gentlemen, is what I thought proper to offer to you at this Time, therefore I shall detain you no longer, only but to recommend to you, Unanimity and Dispatch in the Matters now before you.

Then they withdrew.

Adjourned.

At a Council held at ffort Anne in New York, this Twentieth day of April, 1704.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

WILLIAM SMITH,
PETER SCHUYLER,
SA: SH: BROUGHTON, } Esq^{rs}
WILLIAM LAWRENCE, }

GERRARD BEEKMAN, }
RIP VAN DAM, } Esq^{rs}
THOMAS WENHAM, }
MATHEW LING, }

The Speaker Attended with the whole house of Representatives this day Read to his Excellency in Council the humble Adresse of the s^d house in the words following.

To the Right Honourable EDWARD Lord CORNBURY, her Majesty's Captain General and Governor in Chief of the Colony of New-York, &c.

The humble ADDRESS of the General Assembly.

My Lord,

Her Majesty's faithful Subjects, the General Assembly of this Colony, as they cheerfully embrace all Opportunities of doing Service to her Majesty and their Country, so it affords them a pleasing Satisfaction, when any of their Actions prove agreeable to your Excellency.

They Esteem it (as they ought) a very great Happiness, that in these Times of War and Danger, by the Blessing of Almighty God, on your Excellency's Administration, the Colony has hitherto been as safe, as in those of the calmest Peace, without those Insults and Afflictions, some of the neighbouring Colonies have suffered; they humbly and heartily pray to God, for the Continuance of that Tranquility they have enjoyed, for the obtaining of which and their own necessary Defence, they come with Minds well prepared, and will never be wanting to their Ability.

They entertain with great Concern, the Condition your Excellency mentions of the Revenue, which having formerly amounted to upwards of *Four Thousand Pounds, Communibus Annis*, (a Sum, far exceeding any Thing other Colonies, tho' of greater Extent of Territory, People and Riches have raised) they are very desirous of being informed, if the State it is reduced to, is to be attributed to the Decay of the Income, or increase of the Charge, that on Consideration of its Circumstances, due Remedies may be applied.

Her Majesties amiable Grace and Bounty to her Subjects here, and Care of their Good is sufficiently shewn, in preventing their Requests, by her happy Commands to your Excellency, for the Repeal of that unnecessary Clause in that Act of Assembly; they believe it the Effects of your Excellency's just offering Things to her Majesty's View, in their proper Light. By this her Majesty gives the highest Demonstration that the Greatness of her Fortune, is surpassed by the Goodness of her Nature. It will be a Means, of putting out of the Power of vile crafty designing Men (whom Mistake may cloath with Power) the Occasion of venting their own Wicked Passions, under the specious Colours of Law and Justice.

They heartily thank your Excellency, for putting them in Mind of Unanimity, and will give all possible Dispatch to the Affairs recommended to them.

And Dd the same to his Lordship.

Then his Lordship returned his Answer thereto. That he should be glad, if by any action of his, he might contribute to the Prosperity of the Country, and that the State of the Revenue should be laid before the House.

Whereon they withdrew.

Adjourned till to morrow morning ten of the Clock.

At a Councill held at ffort Anne this one and Twentieth day of Aprill, 1704.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

W^m SMITH,
PETER SCHUYLER,
SA: SH: BROUGHTON, } Esq^{rs}
W^m LAWRENCE,

CALEB HEATHCOTE,
THOMAS WENHAM, } Esq^{rs}
KILLIAN VAN RANSLAER,

Adjourned till to morrow morning.

22th Aprill 1704 Adjourned till Tuesday morning.

At a Councill held at ffort Anne in New York this 25th day of Aprill, 1704.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

PETER SCHUYLER,
SA: SH: BROUGHTON, } Esq^{rs}
GERRARD BEEKMAN,
RIP VAN DAM,

THOMAS WENHAM, } Esq^{rs}
KILLIAN VAN RANSLAER,

Ordered, that Killian van Ranslaer do carry to the house of Representatives the List of the annuall Sallaries of the Civill Officers of this Province together with the account of the amount of her Majties Revenue here from the 31th July last to this day.

Jacobus van Cortlandt and Evert Banker Esq^r from the house of Representatives attended this board with a Bill to repeale the last Clause in An Act of Assembly Intituled An Act for the Quieting and Setling the Disorders that have lately happened in this Province and for Establishing and Securing their Majties present Govern^t agst the like Disorders for the future.

Ordered, that the said Bill be read Immediately. Which having been done

Ordered, that the same be read the second time to morrow morning.

Adjourned till to morrow morning ten of the Clock.

At a Council held at ffort Anne in New York, this 26th day of Aprill, 1704.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

PETER SCHUYLER,
SA : SH : BROUGHTON, } Esq^{rs}
RIP VAN DAM,

MATHEW LING,
KILLIAN VAN RANSLAER, } Esq^{rs}

The Bill for repealing the last Clause in An Act of Assembly Entituled An Act for the Quieting and Setling the Disorders that have lately happened within this province and for the Establishing and securing their Majties present Government against the like Disorders for the future was according to the order of the day read the second time and Comitted to the Council or any three of them

Adjourned till ten of the Clock to morrow morning

27th day of April 1704 Adjourned till ten to morrow morning.

At a Council held at ffort Anne in New York this 28th day of Aprill, 1704.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

PETER SCHUYLER,
SA : SH : BROUGHTON, } Esq^{rs}
GERRARD BEEKMAN,
RIP VAN DAM,

CALEB HEATHCOTE,
THOMAS WENHAM, } Esq^{rs}
KILLIAN VAN RANSLAER,

Coll^o Peter Schuyler Chairman of the Comittee of the Council to whom the Bill for Repealing the last clause in An Act of Assembly Entituled An Act for the Quieting and Setling the Disorders that have lately happened within this province and for Establishing and securing their Majties present Govern^t against the like Disorders for the future was Comitted Reported That the s^d Comittee had gone through the s^d Bill and had made severall amendments thereto The said Report was read and approved of and the said Bill together with the amendments was read the third time and passed the Council and ordered to be sent down to the house of Representatives for their Concurrence and Killian van Ranslaer Directed to carry the same

Adjourned.

At a Council held at ffort Anne in New York this 4th day of May, 1704.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

W^m SMITH,
PETER SCHUYLER, } Esq^{rs}
SA : SH : BROUGHTON,
RIP VAN DAM,

CALEB HEATHCOTE,
THOMAS WENHAM, } Esq^{rs}
MATHEW LING,
KILLIAN VAN RANSLAER,

Adjourned.

At a Councill held at ffort Anne in New York this Sixth day of May, 1704.

PRESENT — *His Excellency* EDWARD Viscount CORNBURY, &c.,

W^m SMITH,
PETER SCHUYLER,
SA : SH : BROUGHTON, } Esq^{rs}

CALEB HEATHCOTE,
THOMAS WENHAM,
KILLIAN VAN RANSLAER, } Esq^{rs}

Rip Van Dam Esq^r took his place at this board.

John Abeel and Hunt Esq^{rs} from the house of Representatives Returned the Bill for Repealing the last Clause in An Act of Generall assembly Entituled an Act for the Quieting and Settling the Disorders that have lately happened in this province &c with some amendments made by the s^d house to the amendments made by the Councill to the said Bill.

On Reading whereof the Councill do Insist on their own amendments

Ordered, that a message be sent to the house of Representatives acquainting them that the Councill Desire a Conference with them on the subject matter of the amendments made by the s^d house to the amendments made by the Councill to the said Bill that the said Conference be held at the fort on Tuesday morning at eleaven of the Clock, and that M^r Wenham do carry the s^d message

Ordered, that W^m Smith, Peter Schuyler, Sa : Sh : Broughton, Rip van Dam, Caleb Heathcote, Thomas Wenham and Killian van Ranslaer Esq^{rs} or any three of them be the managers of the s^d Conference and also a Comittee to draw up reasons for the Councill Insisting on their own amendments.

Adjourned till Munday morning ten of

At a Councill held at ffort Anne in New York, this ninth day of May, 1704.

PRESENT — *His Excellency* EDWARD Viscount CORNBURY, &c.,

W^m SMITH, •
PETER SCHUYLER,
SA : SH : BROUGHTON,
RIP VAN DAM, } Esq^{rs}

CALEB HEATHCOTE,
THOMAS WENHAM,
KILLIAN VAN RANSLAER, } Esq^{rs}

The Report of the Gents of the Councill appointed to meet the house of Representatives about the unendments made by the said house to the amendments made by the Councill to the Bill for Repealing the last Clause in An Act of Generall assembly Intituled An Act for the quieting and settling the Disorders that have lately happened in this province &c was read at the board.

Adjourned.

At a Councill held at ffort Anne in New York, this Eleaventh day of May, 1704.

PRESENT — *His Excellency* EDWARD Viscount CORNBURY, &c.,

W^m SMITH,
PETER SCHUYLER,
SA : SH : BROUGHTON,
W^m LAWRENCE,
GERRARD BEEKMAN, } Esq^{rs}

RIP VAN DAM,
CALEB HEATHCOTE,
THOMAS WENHAM,
KILLIAN VAN RANSLAER, } Esq^{rs}

Coll^o Smith produced a paper at the board Dd to him by two of the members of the house of Representatives Containing their Reasons for Insisting on their amendm^{ts} to the amendments made by the Councill to the Bill for Repealing the last Clause in An Act of Gen^l assembly Intituled An Act for the Quieting and Settling the Disorders that have lately happened in this province &c.

The Councill are of opinion that the same ought to have been Dd to them at a Conference and not otherwise, and that Coll^o Smith be Directed to Deliver the same to Coll^o Cortlandt (one of the members who Dd it to him) to return it to the house with that answer.

Adjourned.

At a Council held at ffort Anne in New York, this 19th day of May, 1704.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

SA : SH : BROUGHTON, }
RIP VAN DAM, } Esq^{rs}
THOMAS WENHAM, }

MATHEW LING, }
KILLIAN VAN RANSLAER, } Esq^{rs}

The Attorney Generall in pursuance of an order of this board of the 11th Instant having prepared a Bill for the better and more effectuall Discovery and payment of Quitt rents and other annuall reservations and payments due to her Majtie within this province, and the arrearages thereof, the same was read the first time and ordered a second reading.

Adjourned.

At a Council held at ffort Anne in New York, this 23th day of May, 1704.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

SA : SH : BROUGHTON, }
RIP VAN DAM, } Esq^{rs}
THOMAS WENHAM, }

MATHEW LING, }
KILLIAN VAN RANSLAER, } Esq^{rs}

The Bill for the Better and more effectuall Discovery and payment of Quitt rents and other annuall Reservations and payments due to her Majtie within this province and the arrearages thereof was read the second time and Comitted to the members of this board or any three of them.

The Bill for granting sundry priviledges and powers to the Rector and Inhabitants of the City of New York of the Communion of the Church of England as by Law Established being layd before this board by his Excellency, the sain having been delivered to him by members of the house of Representatives appointed thereunto was read the first time and ordered a second Reading.

The Bill for the Levying and Collecting the sume of £1605. 10^s. 00^d for the paying 90 ffuzileers their officers Included for 10 monthes and 30 men with their officers to be Employed as Scouts 60 dayes for the Defence of the ffrontiers having been layd before this board by his Excellency the same having been Delivered to him by Members of the house of Representatives appointed thereunto was read the first time.

On Reading at the board a Message from the house of Representatives desiring a Conference with the Council upon the subject matter of the last Conference.

Ordered, that Killian van Ranslaer Esq^r do acquaint the house of Representatives that the Council Consent to the said Conference to be held in the Great room in the fort at six of the Clock to morrow in the afternoon with a Comittee of the said house.

Ordered, that the Council or any three of them be managers of the said Conference.

Adjourned till to morrow morning.

At a Council held at ffort Anne in New York, this 24th day of May, 1704

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

SA : SH : BROUGHTON, }
RIP VAN DAM, } Esq^{rs}
CALEB HEATHCOTE, }

THOMAS WENHAM,
KILLIAN VAN RANSLAER.

The Bill for Granting sundry priviledges and powers to the Rector and Inhabitants of the City of New York of the Communion of the Church of England as by Law Established was read the second time and ordered a Third Reading.

Adjourned till to morrow morning.

At a Councill held at ffort Anne in New York, this 25th day of May, 1704.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

SA: SH: BROUGHTON, }
GERRARD BEEKMAN, } Esq^{rs}
CALEB HEATHCOTE, }

THOMAS WENHAM, }
MATHEW LING, } Esq^{rs}
KILLIAN VAN RANSLAER, }

The Bill to Charge the severall Cities and Counties in this Colony with £143. 10^s 10^d for fitting and furnishing a Roome for the Generall Assembly with a Lobby in the City hall of New York, having been layd before this board by his Excellency, the same having been Dd to him by M^r Abeele a member of the house of Representatives appointed thereunto, was read the first time and ordered a 2^d Reading.

The Bill for Granting Sundry priviledges and powers to the Rector and Inhabitants of the City of New York of the Communion of the Church of England as by Law Established was read the Third time and passed the Councill.

The Attorney Generall Reported from the Comittee of the Councill appointed to meet a Comittee of the house of Representatives at a Conference at the fort yesterday in the afternoone upon the Subject matter of the last Conference that the s^d Comittees had mett accordingly and the Comittee of the said house had Delivered to the Comittee of this board their answer to the reasons offered by the Comittee of this board for the amendm^{ts} to the Bill Intituled, An Act to Repeale the last Clause in An Act of Assembly Intituled An Act for the Quieting and Setling the Disorders that have lately happened within this province &c which was read.

Ordered, that a Message be sent to the house of Representatives to Desire a free Conference with a Comittee of the said house on the subject matter of the last Conference at the fort at nine of the clock to morrow morning and Mathew Ling Esq^r do carry the s^d Message.

Adjourned till to morrow morning.

At a Councill held at ffort Anne in New York, this 26th day of May, 1704.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

SA: SH: BROUGHTON, }
W^m LAWRENCE, } Esq^{rs}
GERRARD BEEKMAN, }

CALEB HEATHCOTE, }
THOMAS WENHAM, } Esq^{rs}
KILLIAN VAN RANSLAER, }

The Report of Attorney Generall from the Comittee of this board appointed to meet a Comittee of the house of Representatives at a free Conference at her Majties fort in New York on the subject matter of the last Conference, was read at the board, & ordered to ly on the table.

The Bill for Levying and Collecting the Summe of £1605. 10^s for the paying ninty fluzileers their officers Included for ten months and Thirty men with their officers to be Employed as Scouts 62 days for the Defence of the frontiers, was read the Second time and Comitted to the Councill or any five of them.

Ordered, that a Message be sent to the Assembly to Desire that all papers and accounts Relating to the making out the Overplus mentioned in the Bill Intituled An Act for Levying and Collecting the summe of £1605. 10^s for the paying ninty fluzileers their officers Included for 10 months and Thirty men with their officers to be Employed as Scouts 60 Days for the Defence of the frontiers may be layd before this board for their satisfaction and

Ordered that Coll^o Wenham Do carry the said Message.

The Attorney Generall's Report from the Comittee to whom the bill for the better and more effectuall Discovery and payment of Quitt rents and other annuall Reservations and payments due to her Majtie within this Province and the arrearages thereof was Comitted was read at the board and the said Bill ordered to be Ingrossed.

Adjourned.

At a Councill held at ffort Anne in New York, this 30th day of May, 1704.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

SA: SH: BROUGHTON, }
RIP VAN DAM, } Esq^{rs}
THOMAS WENHAM, }

MATHEW LING, }
KILLIAN VAN RENSLAER, } Esq^{rs}

The Bill to charge the severall Cities and Counties in this Colony with £143. 10^s. 10^d for fitting and furnishing a Roome for the Generall Assembly with a Lobby in the City hall of the City of New York was read the second time and comitted to the Councill or any three of them.

The Ingrossed Bill for the Better and more effectuall Discovery and payment of Quitt rents and other annuall Reservations and payments due to her Majtie within this province and the arrearages thereof was read the Third time and passed the Councill and

Ordered, that Rip van Dam Esq^r do carry the same to the Assembly for their concurrence.

His Excellency acquainted the Councill that he had Received a Message from the Assembly by Major van Brunt with the Bill Intituled, An Act for the better Expleining An Act made in the second year of her present Majties Reigne Intituled, An Act to oblige persons to pay their arrears of £1000 tax granted by act of Generall Assembly of this Colony in the 12th year of our late Sovereigne King William the Third of Blessed memory for building a fort at Onnondage for the security of the five nations of Indians & for the Remedying some Irregular proceedings committed in Kings County in the Execution of the said act.

The said Bill was read the first time and ordered a second Reading.

At a Councill held at ffort Anne in New York, this 31th day of May, 1704.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

SA: SH: BROUGHTON, }
RIP VAN DAM, } Esq^{rs}
CALEB HEATHCOTE, }

THOMAS WENHAM, }
MATHEW LING, } Esq^{rs}
KILLIAN VAN RENSLAER, }

The Bill for the Better Expleining An Act made In the second yeare of her present Majties Reigne Entituled, An Act to oblige persons to pay their arreares of one thousand pounds tax &c was read the second time and Comitted to the Councill or any three of them.

The Attorney Generalls Reported from the Comée to whom the Bill for Levying and Collecting of £1605. 10^s for paying 90 fluzileers their officers Included for 10 mo & thirty men with their officers to be Employed 60 dayes for the Defence of the frontiers was Comitted that they had gone through the said Bill and made severall amendments thereto which were read.

The Attorney Generall Reported from the Committee to whom the Bill to charge the severall Cities and Counties in this Colony with £143. 10^s. 10^d for fitting and furnishing a Roome for the Generall Assembly with a Lobby in the City hall of New York was Comitted that they had gone through the s^d Bill and Directed him to Report that the same may passe without any amendment.

Myndert Schuyler and Jacobus Van Cortlandt from the Assembly brought a Message acquainting his Excellency they have nothing before them and Desire to know what further Comands his Lordship hath for them for the service of her Majtie and the Countrey.

Whereupon his Excellency Comanded the Clark of the Councill to acquaint the Assembly that his Lordship required their attendance to morrow morning at Eleaven of the Clock at the fort.

His Excellency produced at the Board his Instruccōns from her Majtie relating to the passing of Laws in this province, whereby his Lordship is Directed to take care that the same do passe as followeth vizt: *Be it Enacted by the Gov^r Councill and Assembly.*

Adjourned till to morrow morning.

At a Council held at ffort Anne in New York, this first day of June, 1704.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

SA : SH : BROUGHTON, }
W^m LAWRENCE, } Esq^r
GERRARD BECKMAN, }

RIP VAN DAM, }
CALEB HEATHCOTE, } Esq^r
THOMAS WENHAM, }
KILLIAN VAN RENSLAER, }

The Speaker with the whole Assembly being present according to the Message sent to them yesterday by the Clark of the Council his Excellency said

Gentlemen,

I Have required your Attendance here this Day, to take Notice to you of several Innovations lately attempted to be set on Foot, by some of you never thought of, nor attempted by any of your Predecessors, and which can tend to Nothing, but to disturb that Quiet, which her most Sacred Majesty the Queen, desires all her Subjects should enjoy, in all the Parts of the World under her Dominion; this can be effectually hindered by nothing, but by the Subjects attempting to invade the Property of the Queen, or assuming to themselves to exercise a Power, vested by the Crown in the Governor alone.

And as these are Things, which I shall never suffer during the Time, her Majesty will be pleased to trust the Administration of this Government in my Hands, so I shall always do my Part in admonishing of you, hoping that may bring you to think so seriously, that I may not be forced to exert the Powers vested in me by the Queen, nor to make Representations to her Majesty to your Disadvantage.

The first Thing I shall take Notice of, is the Stile you have make Use of in some of your late Bills, in which you insist upon the Title of General Assembly, because they are Words used in the Letters Patents, which constitute me Governor of this Province; and at the same Time, you are very unwilling to admit of the word Advice, though contained in the same Letters Patents, notwithstanding, in the Reasons you delivered to the Gentlemen of her Majesty's Council, for this Province, at a Conference you said the said Letters Patents, are the Measure of the Power of this Government, and the Rules of the People's Obedience; but it seems, you think yourselves the only Interpreters of the Queen's Meaning, which I must tell you appertains to me; I must further observe to you, that in your Votes of the Twenty-sixth Day of May, you have made a Resolve in these Words.

Resolved, *That this House, for the avoiding all Delay, will at this Time, admit of that Amendment, always saving their Rights, this Compliance notwithstanding.* But you do not think fit to mention what those Rights are, and as I know of none that you have as an Assembly, but such as the Queen is pleased to allow you, so I think it my Duty to require you (which I now do) to lay before me, as soon as may be, what those Rights are, which you pretend to save in that Vote.

The next Ting, I shall take Notice to you of is, that in your Bill, for raising *One Thousand, Six Hundred and Five Pounds, Ten Shillings*, for the paying 90 Fuzileers, their Officers included, you take it upon you to direct what Number of Officers, there shall be to command those Men, and where they shall be posted; nay, you take it upon you to say, that none of the Inhabitants of Albany shall be commanded upon that Service, unless it be for Out-Scouts; these are Powers do in no Manner belong to you; they are vested soly in me, and I will never suffer you to meddle with them. I must take Notice to you, of another Vote you made, with relation to the *Eighteen Hundred Pounds Tax*, and *Thirteen Hundred Pounds Tax*, and there you have voted, that there is due to the Colony, the Sum of *Nine Hundred and Thirteen Pounds, Fifteen Shillings*. It is true, the Queen is pleased to command me in her Instructions, to permit the Assembly from Time to Time, to View and examine the Accounts of Money, or Value of Money disposed, by Virtue of Laws made by them, but you can in no wise meddle with that Money. But if you find any Misapplication of any of that Money, you ought to acquaint me with it, that I may take Care to see those Mistakes rectified, which I shall certainly do.

Gentlemen,

I cannot conclude, without observing to you, that though I recommended to your Consideration, the State of the Revenue at the beginning of this Session, you have not thought fit to make any Provision, for the necessary Support of the Government, though it is evident to all Mankind, that the present Revenue cannot do it; I must say, this is not a suitable Return to the Queen's Favours.

The Bill for Levying and Collecting of £1605. 10^s for paying ninty fluzileers their officers Included for ten monthes and thirty men with their officers to be Employed sixty days was read the Third time with the amendm^{ts}.

Resolved, the Bill with the amendments do passe the Council.

Ordered, that the same be sent down to the assembly for their Concurrence to the said amendments, and that Gerrard Beckman Esq^r do carry the same.

Adjourned till to morrow morning.

At a Councill held at ffort Anne in New York this second day of June, 1704.

PRESENT — *His Excellency* EDWARD Viscount CORNBURY, &c.,

SA : SH : BROUGHTON, }
CALEB HEATHCOTE, } Esq^{rs}
THOMAS WENHAM, }

MATTHEW LING, }
KILLIAN VAN RENSLAER, } Esq^{rs}

The Attorney Generall Reported from the Committee to whom the Bill Intituled, An Act for the Better Explaining An Act made in the second yeare of her present Majties reigne Intituled, An Act to oblige persons to pay their arreares of one thousand pounds tax Granted by act of Generall assembly for building a fort at Onnondage &c & that they had gone through the said Bill and made severall amendm^{ts} thereto.

Ordered, the said Bill be read the third time.
Adjourned.

At a Councill held at ffort Anne in New York the sixth day of June, 1704.

PRESENT — *His Excellency* EDWARD Viscount CORNBURY, &c.,

SA : SH : BROUGHTON, }
RIP VAN DAM, } Esq^{rs}
THOMAS WENHAM, }

MATTHEW LING, }
KILLIAN VAN RENSLAER, } Esq^{rs}

The Bill Intituled, An Act for the Better Explaining An Act made in the second yeare of her Majties Reigne Intituled, An Act to oblige persons to pay their arreares of one Thousand pounds tax Granted by act of Generall assembly for building a fort at Onnondage &c with the amendm^{ts} was read the third time.

Resolved, the said Bill with the amendm^{ts} do passe the Councill.

Ordered, the same be sent down to the house of Representatives for their Concurrence to the said amendm^{ts} and that Killian van Renslaer do carry the same.

Ordered, that Amendm^{ts} be made to the Bill to charge the severall Cities & Counties in this Colony with £143. 10^s. 10^d for fitting and furnishing a Room for the Generall assembly with a Lobby in the City hall of New York, viz^t That in fol the first Line the Eighth after the word [by] and before the word [Gov^r] leave out these words [your Excellency our] and in lieu thereof Insert the word [the] In the same Line after the word [Gov^r] and before the word [Councill] in the ninth Line leave out these words [by and with the Consent of her Majties] and after the word [and] in the ninth Line and before the word [assembly] in the same Line leave out the word [this]

The said Bill with the amendm^{ts} was read the Third time.

Resolved, that the said Bill with the amendm^{ts} do passe the Councill and be sent down to the Assembly for their Concurrence to the s^d amendm^{ts} and that Matthew Ling Esq^r do carry the same.

Adjourned.

At a Councill held at ffort Anne in New York this ninth day of June, 1704.

PRESENT — *His Excellency* EDWARD Viscount CORNBURY, &c.,

SA : SH : BROUGHTON, }
W^m LAWRENCE, } Esq^{rs}
RIP VAN DAM, }

THOMAS WENHAM, }
KILLIAN VAN RENSLAER, } Esq^r
MATTHEW LING Esq^r Serovenit.

M^r Lakerman from the Assembly brought up the Bill to Charge the severall Cities and Counties in this Colony with £143. 10^s. 10^d for fitting and furnishing a Room for the Generall Assembly with a Message that the Assembly had agreed to the amendm^{ts} made thereto by the Councill

Ordered, that the Clark of the Councill do Insert the amendm^{ts} in the said Bill.

His Excellency layd before this board the Bill Intituled, An Act for the better Explaining An Act made in the second yeare of her present Majties Reigne Intituled, An Act to oblige persons to pay their arreares of £1000 tax granted by act of Generall Assembly of this Colony in the 12th yeare of our late Sovereigne King W^m the Third of Blessed memory for building a fort at Onnondaga, the same having been Dd to him from the Assembly with a message that they had agreed to the amendm^{ts} made by the Councill thereto.

Ordered, that the Clerk of the Council do Insert the amendments in the said Bill.

A Message came from the Assembly by Mr Stillwill with the Bill Entituled, An Act for the Better laying out, further Regulating and preserving publick comon highways in this Colony and for the erecting and Building a County Jayle or County house in the County of Richmond.

The Speaker with the whole Assembly (being present in the Council Chamber) addressed his Excellency in the words following :

To his Excellency EDWARD VISCOUNT CORNBURY, Captain General and Governor in Chief of her Majesty's Colony of New York, and Territories depending thereon in America, and Vice Admiral of the same.

The humble ADDRESS of the General Assembly.

My Lord,

Ever since this Assembly have been elected by the Country, next it's true Interest, they had nothing so much in their Thoughts, as doing such Things as might render them and their Actions agreeable to your Lordship, that being in your good Opinion, they might be the better enabled to perform the Services for which they were chosen : It is with great Concern they find they are mistook, and charged with Innovations ; their Endeavours are to conform themselves to the Letter, as well as to the true Intent (as they understand them) of the Commissions under the great Seal from the Crown.

They never had, nor can have the least Thought of attempting the Invasion of her Majesty's Property, or assuming to themselves any Powers of Government whatsoever, nor do they believe, your Lordship will exert any Powers, but what are lawful, nor make any Representations but what are just.

The Stile of General Assembly, is what in all Commissions, that mention of Assembly is given to the Deputies of the People, and that they shall be called and held by that Name ; but since your Lordship hath been pleased to direct the Stile of the Acts according to your Lordship's Instruction (as they are informed) they heartily agree and consent to the same.

The Reason they have been dissatisfied with inserting the Word, *Advice*, in Acts of Assembly, is it's not being applicable to that Purpose (as they apprehend) in the making of Laws, the Consent of the Council and Assembly, or the major Part of them respectively is, expressly, and only required, your Excellency is not directed, in the making of Laws, to take the *Advice* of Council or Assembly, or both, but manifestly the contrary, your Lordship's own Prudence, being wholly and solely intrusted to prevent, that whatsoever might be agreed on by the Council and Assembly (if in your Excellency's Judgment) to the Prejudice of the Crown, should not receive the Sanction of a Law ; and the so often Repetition in the *English* Histories and Laws of these Words, *common Consent in Parliament*, (to which Laws, being the Birth right of *Englishmen*, this Assembly humbly lays a just Claim) appears to them a clear Illustration of the Matter.

All Commissions from the Crown have hitherto been not only openly and solemnly published, but recorded in the Secretary's Office, for the Subject to have recourse to on Occasion, and the publishing, has ever been, by special Direction and Instructions from the Crown ; this must be to the End ; they may be construed and understood by the People, and can be to other Purpose whatsoever.

My Lord,

This Assembly being intrusted by the People of this Plantation, with that Care of their Liberties and Properties, and sensible of their own Weakness, least through Ignorance or Inadvertency, they should Consent to any Thing hurtful to themselves or their Posterity (in all Things admitting of doubts) are willing to save their Rights, and those Rights they mean to be that natural and civil Liberty, so often claimed, declared and confirmed, by the *English* Laws, and which they conceive every free *Englishman* is intitled to, whatsoever else may admit of Controversy, the People of this Colony think, they have an undoubted, true and intire Property in their Goods and Estates, of which they ought not to be divested, but by their free Consents, in such Manner and to such Ends and Purposes, as they shall think fit, and not otherwise, if the contrary should be admitted, all Notion of Property would cease. Every Man is the most proper Judge of his own capacity in giving, and the present extream Poverty of this Country is both visible and too apparent, they humbly insist, that since several of their Neighbours, who neither bear nor feel our Burthens, are covered by, and more than equally concerned in our Defence, ought proportionably to contribute toward it, in the mean Time, this Colony does it's utmost.

The Assembly are sorry to be misunderstood, relating to the Bill, for raising *One Thousand, Six Hundred and Five Pounds, Ten Shillings*, for paying 90 Fuzileers, &c. They do not there take on them, to restrain the Number of Officers, though the Calculation is for the Pay of 90 Men, including one Captain and two Lieutenants, &c. They are humbly of Opinion, the Payment of *One Thousand, Six Hundred and Five Pounds, Ten Shillings*, will strain the poor Inhabitants beyond their Ability, and therefore, dare not impose further on them, and the

mention of the Posting of them, was solely occasioned from the Expression (as they took it) to that Purpose in your Excellency's Speech.

The Argument of which caused the Clause in the Bill, restrictive of the Inhabitants of *Albany*, was that, That Country being a Frontier weak, and wanting Men from other Parts for its Defence, but the vicious Corruption of some Officers, many such Persons were excused, paying each *Six Pounds*, and by a List produced in the Assembly, more than a sixth Part of such Men, which should have been sent up from hence, were made up (as affirmed by credible Witnesses) of Men of that County, some of them remote from *Albany*, who doing little or no Duty, their Pay was misapplied, the designed Defense neglected, and were no Addition to the Strength of the Frontiers.

Mr. *Fauconier*, the Accomptant, makes due to the Militia, for Ballance of the *Eighteen Hundred Pounds Tax*, *Four Hundred and Twenty-eight Pounds, Ten Shillings and Ten Pence*, and by several Objections made against divers Misapplications, both in the Accounts of the *Eighteen Hundred Pounds*, and *Thirteen Hundred Pounds Taxes*, there appeared, *Four Hundred and Eighty-five Pounds, Four Shillings and One Penny* more, both these Taxes being raised, to be applied for the Defence of the Frontiers, and all publick Monies being to be disposed for the support of the Government, and not otherwise; the Assembly were induced to make a Computation accordingly, especially since the Instructions from her Majesty to permit, the Assembly from Time to Time, to view and examine the Accounts of Money, disposed by Virtue of Laws made by them (in their Apprehensions) can have no other Conclusion, and they will have, no doubt, but your Lordship, will accordingly take Care, to see those Mistakes rectified.

My Lord,

The languishing Estate of her Majesty's Revenue here, cannot be considered without melancholy Reflections, the People of this Government (one of the least in the English Empire) towards it's Support, having liberally out done all Mankind, and it's feared themselves; the Advance or Decay of the Revenue, seems to be the Pulse of the Felicity or Misery of the People, and its Decrease is a plain Evidence of the wretched Condition of the Inhabitants, to lay any further Impositions on Trade, will be in Effect, a total Prohibition, the present War, and many other Accidents, have too unhappily contributed to its Destruction already.

Her Majesty's royal Favours, shall ever have that due Impression on their Hearts, which becomes dutiful, loyal and affectionate Subjects, sensible of her matchless Justice and Bounty, and from whom they question not, that Protection and Support, which will prevent the unavoidable Ruin, that otherwise must be their Portion.

Adjourned,

At a Council held at ffort Anne, this fourteenth day of June, 1704.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

SA : SH : BROUGHTON, }
GERRARD BEEKMAN, } Esq^{rs}
RIP VAN DAM, }

THOMAS WENHAM, }
MATTHEW LING, } Esq^{rs}
KILLIAN VAN RANSLAER, }

The Bill for the Better laying out further Regulatig clearing and preserving publick cōmon highways in this Colony and for the erecting and Building a County Jayle and County house in the County of Richmond was read the first time and ordered a second Reading.

His Excellency acquainted the Council that Mr Lakerman from the Assembly had Delivered to him the Bill for Levying and Collecting of £1605. 10^s for the paying ninty fuzileers their officers Included for ten months and Thirty men with their officers to be Employed as scouts sixty dayes for the Defence of the frontiers together with a Message from the Assembly in these words, vizt

Resolved, that it is Inconvenient for this House to admitt of any amendment made by the Council to a Money Bill.

Ordered, a Message be sent to the Assembly that the Council Desire a Conference with them on the subject matter of the said Message at the fort to morrow morning at nine of the clock and that Killian van Renslaer Esq^r do carry the said Message.

His Excellency layd before the board a Message from the Assembly by Mr Willet with the Ingrossed Bill for the Better and more effectuall discovery and payment of Quitt rents and other Annuall Reservations and payments due to her Majtie within this her Majties Colony of New York in America and the arrearages thereof the Assembly having made severall amendmients thereto.

Ordered, that the same be Referred to the Members of this board or any three of them to Examine and Report to this board.

Adjourned till to morrow morning.

At a Council held at ffort Anne in New York, this fifteenth day of June, 1704.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

SA: SH: BROUGHTON, }
GERRARD BEEKMAN, } Esq^r
RIP VAN DAM, }

MATTHEW LING, }
KILLIAN VAN RENSLAER, } Esq^r

The Report of the Gentl of the Council to whom the Amendments made by the Assembly to the Ingrossed Bill for the Better and more effectuell discovery and payment of Quitt Rents and other annuall Reservations and payments due to her Majtie within this her Majties Colony of New York in America and the arrearages thereof were Comitted being read.

Ordered, a Message be sent to the Assembly that the Council desire a Conference with them on the subject matter of the said amendments at the fort to morrow morning at nine of the clock and that Matthew Ling Esq^r do carry the said Message.

Ordered, that the Council or any five of them be the managers of the s^d Conference.

The Bill for the Better laying out further Regulating Clearing and preserving publick Comon highways in this Colony and for the erecting and Building a County Jaile and County house in the County of Richmond was read the second time and Comitted to the Council or any three of them.

Adjourned till to morrow morning.

At a Council held at ffort Anne in New York, this sixteenth day of June, 1704.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

SA: SH: BROUGHTON, }
RIP VAN DAM, } Esq^r
THOMAS WENHAM, }

MATTHEW LING, }
KILLIAN VAN RENSLAER, } Esq^r

The Report of the Gents of the Council to whome the Bill for the Better Regulating Clearing and preserving of publick Comon highways in this Colony and for the Erecting and Building a County Jaile & City and County house in the County of Richmond was Comitted was read and approved of & the said bill was read the third time.

Resolved, the said Bill do passe the Council.

The Committee of the Council appointed to be managers of the Conference with the assembly on the subject matter of the amendments made by the assembly to the Ingrossed Bill for the Better & more effectuell Discovery & payment of Quitt rents and other annuall Reservations and payments due to her Majtie &c acquainted his Exc^{ell} that at the said Conference they had Delivered to the assembly their reasons for not agreeing to the amendments made by them to the s^d bill.

Adjourned.

At a Council held at ffort Anne, this 19th day of June, 1704.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

SA: SH: BROUGHTON, }
GERRARD BEEKMAN, } Esq^r
RIP VAN DAM, }

THOMAS WENHAM, }
MATTHEW LING, } Esq^r

A Message being sent from the assembly to this board by Mr Parly to Desire a Conference with them on the subject matter of the last Conference.

Ordered, a Conference be held with the assembly accordingly to morrow morning at Eleaven of the Clock at the fort. that Rip van Dam Esq^r do carry the said Message. And that the Council or any three of them be the managers thereof.

Ordered, that the Clerk of the Council do amend the Bill to Repeale the last Clause in An Act of Assembly Intituled, An Act for the Quieting and Setling the Disorders that have lately happened within this province and for Establishing and securing their Majties present Government against the like Disorders for the future according to the Consent of the Assembly and

Resolved, that the s^d Bill so amended do passe the Council.

Adjourned till to morrow morning.

At a Council held at ffort Anne in New York, this Twentieth day of June, 1704.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

SA: SH: BROUGHTON, }
GERRARD BEEKMAN, } Esq^{rs}
RIP VAN DAM,

THOMAS WENHAM, }
MATTHEW LING, } Esq^{rs}

Sampson Shelton Broughton Esq^r Chairman of the Committee of the Council appointed to meet the assembly at a Conference on the subject matter of the last Conference Reported to his Excellency in Council That the Com^{ee} of the assembly had at the s^d Conference Dd to them a paper Conteyning reasons &c which was read.

Ordered, that a free Conference be Desired with the assembly at the fort on the subject matter of the last Conference on Thursday morning at Eleaven of the Clock, that the Council or any three of them be the managers of the said Conference and that Gerrard Beekman Esq^r do carry the said Message.

Adjourned till Thursday morning next.

At a Council held at ffort Anne, this 22th day of June, 1704.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

SA: SH: BROUGHTON, }
GERRARD BEEKMAN, } Esq^{rs}

RIP VAN DAM, }
THOMAS WENHAM, } Esq^{rs}

The Attorney Generalls Report from a Committee of this board appointed to meet the Assembly at a free Conference this day on the subject matter of the last Conference was referred to further Consideration.

Adjourned till to morrow morning.

23th May 1704 Adjourned till to morrow morning.

24th May 1704 Adjourned till Munday morning.

26th May 1704 Adjourned till Tuesday morning.

At a Council held at ffort Anne this 27th day of June, 1704.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

SA: SH: BROUGHTON, }
GERRARD BEEKMAN, } Esq^{rs}
RIP VAN DAM,

THOMAS WENHAM,
MATTHEW LING.

Mr Attorney Generall Dd a Message sent by the Assembly to this board in writing by Mr Purdy that they consented to alter the Amendment of three Justices of the peace to two in the sixth amendment made by the Assembly to the Bill about Quitt rents.

The Speaker with the whole Assembly being present in the Council chamber his Excellency sayd to them

[No speech in the Minutes.]

and adjourned them to the 2^d day of 8^{ber} next.

Then his Excellency gave the assent to the severall Bills following Enacting them and ordering them to be enrolled under the seale of the province vitz

1st The Bill for granting sundery priviledges and powers to the Rector and Inhabitants of the City of New York of the Communion of the Church of England as by Law Established.

2^d The Bill to Charge the severall Cities and Counties in this Colony with £143. 10^s. 10^d for fitting and furnishing a Room for the Generail Assembly with a Lobby in the City hall of New York.

3^d The Bill for the Better Explaining An Act made in the second yeare of her present Majties Reigne Intituled An Act to oblige persons to pay their arreares of £1000 tax granted by act of Generall Assembly of this Colony in the 12th yeare of our late Sovereigae King W^m the Third of Blessed memory for building a fort at Onondaga for the seecnity of the five nations of Indians

and for the Remedying some irregular proceedings Comitted in Kings County in the Execution of the said act.

4th A Bill for the Better Regulating Clearing & preserving publick Comon highwayes in this Colony and for the erecting and Building a County Jaile and City & County house in the County of Richmond.

5th A Bill for Repealing the last clause In An Act of Assembly Intituled, An Act for the Quietling and Settling the Disorders that have lately happened within this Province, and for Establishing and securing their Majties present Government against the like Disorders for the future.

Then his Excellency with the Councill and Assembly went to the City hall of the City of New York where the said Acts were publickly read by the Clark of the Councill.

NINTH ASSEMBLY FIFTH SESSIONS.

At a Councill held at ffort Anne in New York, this Sixth day of October, 1704.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

SA: SH: BROUGHTON, } Esq^{rs}
RIP VAN DAM,

THOMAS WENHAM, Esq^r

Severall of the members of the Generall Assembly not being yett come to town

Ordered, a proclamation issue for adjourning the Generall Assembly untill Thursday the 12th Instant.

At a Councill held at ffort Anne this 12th day of October, 1704.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

SA: SH: BROUGHTON, } Esq^{rs}
GERRARD BEEKMAN,

His Excellency ordered the Clark of the Councill to acquaint the Generall assembly to attend his Lordship in Councill at the fort Imediately which being done and the Generall assembly being present his Excell said .

Gentlemen,

The Assembly of New-Jersey, having detained me some Days longer than at first I intended, and the Season of the Year being so far advanced, are the Reasons which induce me to recommend to your Considerations for this Sessions, as few Things as may be, and indeed the two chief Things, which I most earnestly recommend to you, to be provided for at this Time, are the low Condition of the Revenue, and the Defence of the Frontiers; I did in June last, recommend to you Gentlemen, of the House of Representatives, to lay an additional Duty, on certain Commodities, which had been granted by a former Assembly of this Province, but expired, when I recommended that to you, I did it, as a Thing, which in my Judgment, would in some Measure help the Revenue, without any Burthen upon the People. Some Gentlemen, were then of Opinion, that such an additional Duty, would be a Clogg upon the Trade of this Place; if they have taken the Pains to enquire into that Matter, I do not question but they will be of another Mind; for my Part, I did enquire of some of the most considerable Merchants of this City, who told me, that such a Duty, would have been rather a Help, than a Hindrance or Clogg to the Trade of this Place, being well persuaded, that those Gentlemen were right in their Opinions, I once more recommend the Consideration of such a Duty to you, or else, that you will consider of some other Method, to enable her most Sacred Majesty the Queen, to support the necessary Charges of the Government, which the present Revenue will not do; the next Thing, is the Defence of the Frontiers of this Province, in order to that, I did in July last, order a Detachment of 100 Men, out of the Militia for that Service, the greatest Part of that Number did go up to Albany, and have been posted in the Places most convenient for the Defence of the Country, which has kept us quiet this Summer. I think they ought to be kept there till the

last Day of March next at least, and that some Out-Scouts, should be raised for this Winter ; I therefore recommend it to you, Gentlemen of the House of Representatives, to prepare such a Bill, as may raise a Sum sufficient, for the paying the Men that have been sent up, and for the Out-Scouts, with such contingent Charges, as may be necessary for their going to Albany, and returning home again, if there is any Thing, else that may be reasonable to be Enacted at this Time, you shall find me ready to embrace all Occasions of doing such Things as may be for the Good of her Majesty's Subjects in this Colony ; I have nothing further to recommend to you at this Time, but Unanimity in your Consultations, and Dispatch in the Matters before you.

Adjourned till Tuesday the 17th Instant.

17th October 1704. Adjourned till Thursday 19th inst.

19th October 1704. Adjourned till to morrow morning

20th October 1704. Adjourned till Tuesday morning

24th October 1704. Adjourned till Thursday morning

At a Council held at ffort Anne this 26th day of October, 1704.

PRESENT — *His Excellency* EDWARD Viscount CORNBURY, &c.,

W ^m SMITH,	} Esq ^{rs}	CALEB HEATHCOTE,	} Esq ^{rs}
PETER SCHUYLER,		THOMAS WENHAM,	
SA : SH : BROUGHTON,		KILLIAN VAN RENSLAER,	
GERRARD BEEKMAN,			
RIP VAN DAM,			

Myndert Schuyler and John Jackson Esq^{rs} from the Assembly having layd before the Council a Bill Intituled, An Act for the Defence of the frontiers, the same was read the first time and ordered to have a second reading

Stephen Delancey and Thomas Gorton Esq^{rs} from the Assembly Desire that Jonathan Whitehead Esq^r who hath been Elected to serve in the Assembly for Queens County in the room of his father Daniell Whitehead Esq^r lately Decēad may take the usuall oathes in order to Qualifie himself to take his place in the said house.

The said Jonathan Whitehead Esq^r took the oathes appointed by act of parliament to be taken instead of the oathes of allegiance & Supremacy and subscribed the Test & swore to and subscribed the abjuration oath in Council

At a Council held at ffort Anne this 27th day of October, 1704.

PRESENT — *His Excellency* EDWARD Viscount CORNBURY, &c.,

W ^m SMITH,	} Esq ^{rs}	CALEB HEATHCOTE,	} Esq ^{rs}
PETER SCHUYLER,		THOMAS WENHAM,	
SA : SH : BROUGHTON,		KILLIAN VAN RENSLAER,	
W ^m LAWRENCE,			
GERRARD BEEKMAN,			

The Bill Entituled, An Act for the Defence of the frontiers was read the second time and Comitted to the Council or any three of them.

Adjourned.

At a Council held at ffort Anne this 3^d day of November, 1704.

PRESENT—

His Excellency EDWARD Viscount CORNBURY, &c.,

W^m SMITH,
PETER SCHUYLER, } Esq^{rs}
W^m LAWRENCE,

THOMAS WENHAM,
KILLIAN VAN RENSLAER, } Esq^{rs}

The Report of Coll^o William Smith Chairman of the Committee of the Council to whom the Bill Intituled, An Act for the Defence of the ffrontiers was Comitted was read, and the Said Bill together with the Amendments was read the third time and passed the Council, and ordered to be sent down to the Generall assembly for their assent to the said Amendments and Killian van Renslaer desired to carry the same

Adjourned till to morrow morning.

At a Council held at ffort Anne this fourth day of November, 1704.

PRESENT—

His Excellency EDWARD Viscount CORNBURY, &c.,

W^m SMITH,
PETER SCHUYLER, } Esq^{rs}
SA: SH: BROUGHTON,

WILLIAM LAWRENCE,
RIP VAN DAM, } Esq^{rs}
KILLIAN VAN RENSLAER,

A Message from the Assembly by Evert Banker and John Abeele Esq^{rs} acquainting this board with the Resolve of the Assembly made last meeting That it is Inconvenient for this house to admitt of any amendment made by the Council to a Money Bill.

His Excellency ordered the Clark of the Council to acquaint the Generall Assembly that his Lordship required their attendance Imediately at the fort.

The Clark of the Council Returning acquainted his Excellency that he found only the Clark of the Assembly in the said house, who acquainted him that the Assembly had adjourned themselves till Tuesday morning.

Ordered, that the Clark of the Council do find out the Speaker of the Generall Assembly and acquaint him that his Excellency Requires his attendance with the Assembly on Munday morning next at Eleaven of the clock.

Adjourned till Munday morning Eleaven of the clock.

At a Council held at ffort Anne this sixth day of November, 1704.

PRESENT—

His Excellency EDWARD Viscount CORNBURY, &c.,

W^m SMITH,
PETER SCHUYLER, } Esq^{rs}
SA: SH: BROUGHTON,

WILLIAM LAWRENCE,
KILLIAN VAN RENSLAER, } Esq^{rs}

In obedience to the order of this board of the 4th Instant the Speaker with the Assembly being present in the Council Chamber his Excellency DISSOLVED the said Generall Assembly, and Declared that in a short time he would issue writts for the Electing of a new Assembly to meet and sitt in the spring.

[IN EXECUTIVE SESSION.]

14 March, 170⁴.

Ordered, the Secretary do issue Writts for a Generall Assembly to be elected to meet and sitt one the first day of June next.

TENTH ASSEMBLY FIRST SESSIONS.

At a Council held at Fort Anne in New York, this 9th day of June, 1705.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

RIP VAN DAM, }
THO: WENHAM, } Esq^{rs}

ROGER MOMPESON, }
JOHN BARBARIE, } Esq^{rs}

His Excell acquainted this Board that this being y^e day y^e Assembly was to meet according to adjournm^t & y^e Clerk of y^e Assembly having attended him, he did order him to enquire what members were in Town who being returned did acquaint his Excell That there were only Eleven of y^e members in Town who not being a sufficient number to choose a Speaker

Ordered, that a Proclama^{on} be Issued to adjourn the said Assembly till Munday next being y^e 11th Instant & y^t all y^e members be required to give their attendance.

At a Council held at Fort Anne in New York, this 11th day of June, 1705.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

RIP VAN DAM, }
THO: WENHAM, } Esq^{rs}
ROGER MOMPESON, }

JOHN BARBARIE, }
ADOLPH PHILIPS, } Esq^{rs}

A Message from his Excell by y^e D Clerk of y^e Council to y^e house of Representatives comāding y^e Gents of y^t house to attend his Excell in Council immediately.

The Representatives having attended his Ex^{cy} accordingly he was pleased to direct them to Repair to y^e house in order to choose a Speaker to be presented to him for his approba^{on} y^t thereby they might be Enabled to act as a House.

At a Council held at Fort Anne in New York, this 14th day of June, 1705.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

RIP VAN DAM, }
THO. WENHAM, } Esq^{rs}
ROGER MOMPESON, }

JOHN BARBARIE, }
ADOLPH PHILIPS, } Esq^{rs}

A Message from his Excell by y^e D Clerk of y^e Council to y^e house of Representatives commanding their attendance on him in Council immediately, w^{ch} they accordingly did & presented M^r W^m Nichols to be their Speaker who was approved of and all the members of y^e Assembly who were then present having taken y^e oaths as y^e Law directs his Excell did then make unto them y^e following speech viz^t

Gent:

I am sorry y^e Queens service in y^e neighbouring Province & y^e ill weather we have lately had has hindred me from meeting this assembly so soon as I intended, however I hope we will still have time enough to dispatch such things as may be necessary to be provided for at this time those w^{ch} I shall more particularly recomend to y^e Care of you Gentlemen of y^e house of Representatives, are these, first y^t a sum may be provided sufficient to pay one hundred Fuzeleers & Fifty outscouts wth their proper officers to be sent to Albany & places adjacent for y^e defence of y^e Frontiers for one year & likewise y^t provision may be made for their going up to & Returning from Albany & likewise for bedding for them while they are there. this is of absolute necessity at this time because I have rece^d an acco^t of a design of the Waghana Indians wth sev^l other nations in Amity wth y^e French to attack our five nations, who if they see, y^t we are either not willing or not able to support & defend them ag^t their enemies will y^e more easily be perswaded to go over to y^e French y^e ill Consequence whereof are so well known y^t I need not mention them to you nor will I trouble you wth any particulars of this news because I had it from those Gentlemen who are chosen to serve for this Assembly in y^e County of Albany & who are well able to inform you of y^e truth of y^t matter

The next thing I reecomend to your care is, y^e providing such a sum as may be sufficient to pay & defray y^e Charges of the Detachment sent up to Albany for y^e defence of y^e Fronteers last Fall, an acco^t whereof shall be laid before you I must take notice to you y^t y^e Bill for settling y^e militia w^{ch} was pass'd in the year 1702 is Expired by its own Limitation I think 'tis very necessary y^t Act should be reviv'd.

The Difficulty's w^{ch} some very worthy ministers of y^e Church of England have met wth in getting y^e maintenance settled upon them by an Act of Gen^l Assembly of this Province passed in y^e year 1693, moves me to propose to you y^e passing an Act Explanatory of y^e aforementioned Act; y^t those worthy good men, who have ventured to come so far, for y^e service of God in his Church, and y^e Good & Edification of y^e people, to y^e Salvation of their souls, may not for the future be vexed, as some of them have been, but may Enjoy in Quiet y^t maintenance w^{ch} was by Law provided for them; I further Recomend to you y^e passing an Act to provide for y^e maintenance of some ministers, in some of y^e Towns, at y^e East End of Long Island where I do not find any provision has been yet made for the propagating Religion

The next thing w^{ch} I think does very highly deserve yo^r serious thoughts, is, y^e laying a Duty upon all European Goods imported into this Colony, from any of y^e neighbouring Provinces; whereas now those Goods pay no greater Dutys than those which come directly from Engl^d. I did reecomend this matter to y^e last assembly, and I'm affraid y^e not doing of it at y^t time, has been a Considerable prejudice to y^e Trade of this Province, & I am perswaded y^t unless Effectual care be now taken in y^t matter, y^e Trade of this place will not only become precarious, but our navigation will be entirely Ruined; I am of opinion it would be very proper to lay a Duty upon all Rum, and other spirits Imported from any place whatsoever Except England, & her Ma^ys Islands in y^e West Indies; I therefore Earnestly Recomend to yo^r care y^e preparing such a Bill as may Effectually answer y^e Ends proposed

I further Recomend to yo^r Consideration whether y^e passing an Act to discourage y^e Exportation of Corn, & to Encourage y^e Exportation of Flower from this Province would not be of good advantage to Trade.

I observe y^t during y^e late War, at a time when much greater sums were given for y^e Defence of y^e Frontiers, than have ever been demanded since y^e beginning of this, y^e Assemblys in those times thought fit to Grant sevⁿ sums of money towards the discharging of y^e Debts of y^e Province, whether it is not as reasonable to take y^e same methods now, to discharge y^e Debts that were Contracted before my coming to this govern^t I leave to yo^r Consideration only I think it a Duty in Cumbent on me, to put you in mind of it, y^t y^e people to whom these Debts are due may not think themselves neglected.

I am of opinion it will be necessary to pass An Act to prevent y^e clipping & Defacing y^e Forreign Coin w^{ch} has Currency in this Province; and another for y^e more Effectual Suppressing of Scandalous Houses & Bawdy Houses & to prevent scandalous women from coming from y^e neighbouring Provinces to live in this; and another to punish negros Indian & molatto slaves, & to prevent their Running away from their masters.

These gentlemen are y^e things I thought fit to propose to yo^r Considerations at this time, I must now acquaint you y^t her Most Sacred Ma^y has been pleased to order y^t for y^e future no Gov^r Lieut Gov^r Commander in Chief of this Province shall receive any Gift or present from y^e Countrey, which order you will find Entred in yo^r Journals, all y^e Return the Queen Expects for y^e Easing you of y^e Burden of those presents is, y^t you contribute more freely to y^e defence of y^e Countrey.

I have nothing more to offer to you at this time, only unanimity in yo^r Consultaōns, & dispatch in y^e matters before you.

If any thing occurs to you w^{ch} you think may be for y^e service of y^e Queen & y^e good of y^e Countrey, you shall always find me ready not only to hear it but to Joyn heartily wth you to promote anything y^t is reasonable.

Adjourned.

At a Council held at Fort Anne in New York, this 28th day of June, 1705.

PRESENT—

His Excellency EDWARD Viscount CORNBURY, &c.,

PETER SCHUYLER,
RIP VAN DAM,
THO. WENHAM,
CALEB HEATHCOTE,

} Esq^{rs}

ROGER MOMPESON,
JOHN BARBERIE,
ADOLPH PHILIPS,

} Esq^{rs}

A Message from y^e house of Representatives by Cap^t Garton and Cornelius Sebering desiring that M^r Sam^l Mulford who was Elected & Returned one of y^e members to serve in this present assembly for y^e County of Suffolk upon Nassaw Island may take y^e oaths appointed by Law in

order to qualify him to sit in y^e House accordingly y^e s^d M^r Mulford did take y^e oaths appointed by act of parlia^t to be taken in stead of y^e oaths of Supremacy & allegiance took & subscribed y^e association & subscribed y^e Test.

At a Council held at Fort Anne in New York, this 5th day of July, 1705.

PRESENT—

His Excellency EDWARD Viscount CORNBURY, &c.,

PETER SCHUYLER,
GERRARD BEEKMAN,
RIP VAN DAM,
CALEB HEATHCOTE,
THO. WENHAM, } Esq^r

ROGER MOMPESON, }
JOHN BARBERIE, } Esq^r
ADOLPH PHILIPS, }

His Ex^{ty} acquainted this board y^t he had rece^d from y^e H^s of Representatives sevⁿ Bills which they had past to w^{ch} they desire y^e Concurrence of this Board.

The Bill Entitled, An Act for y^e better explaining and more Effectuall putting in Execution An Act of Genⁿ assembly entituled, An Act for settling a ministry & Raising a maintenance for them in y^e City's of N York, Countys of Richmond, West Chester & Queens County was read y^e 1st time and ordered a second Reading.

The Bill Entitled, An Act for Enforcing and Continuing the Act for Encouraging a *Post Office* in this Province of N. York for three years from y^e month of October w^{ch} was in y^e year 1704, was also read the first time & ordered to be read a second time.

The Bill Entitled, An Act to prevent y^e Running away of negro slaves out of y^e City & County of Albany to y^e French at Canada was also read the 1st time & ord^d a 2^d Reading.

And also a Bill Entitled, An Act to Enable y^e Justices of y^e peace for y^e City & County of Albany to raise y^e sum of £100 for y^e Repairing or Rebuilding of a Comon Goal & City & County Hall over & above the sum of £400 they were enabled to Raise by An Act of Genⁿ assembly made in y^e 2^d year of her Ma^{ty}s Reign Entituled, An Act to Enable y^e Justices of y^e peace for y^e City & County of Albany to Repair or Rebuild a Comon Gaol City & County Hall for y^e s^d City & County & to pay y^e arrears of their public Charge was also Read y^e 1st time and ordered a second Reading.

His Ex^{ty} acquainted this Board y^t he had Received a Message from y^e H^s of Representatives acquainting him That y^e House had past a Bill Entituled, An Act for y^e Levying & Collecting y^e sum of seventeen hundred pounds for y^e defence of y^e Frontiers w^{ch} was read y^e first time & ordered a second Reading

Ordered, That y^e Attorney Genⁿ be directed to prepare a Bill to prohibit the Exportaⁿ of all manner of Corn in Grain out of this Colony

And also another Bill for y^e preserving & encouraging y^e Trade & navigaⁿ of this Province by laying an Additional Duty on all European Commodities y^t shall be Imported into this Colony but not directly from England.

Ordered, That a Warr^t Issue to y^e Attorney Genⁿ to prepar Letters Patents to y^e Rector & Trinity Church. Inhabitants of y^e City of N. York in Comunion of y^e Church of Engl^d as by Law Established, for y^e parcel of Land Commonly known & called by y^e name of the Queens Farm, & also for y^t lot of Ground lying & being in y^e City of N. York, near to Trinity Church commonly called & known by y^e name of y^e Queens Garden.

At a Council held at Fort Anne in New York this 6th day of July, 1705.

PRESENT—

His Excellency EDWARD Viscount CORNBURY, &c.,

PETER SCHUYLER, }
GERARD BEEKMAN, } Esq^r.
RIP VAN DAM, }

CALEB HEATHCOTE, }
THO. WENHAM, } Esq^r
ADOLPH PHILIPS, }

The Bill Entitled, An Act for Levying & Collecting y^e sum of £1700 &c was Read y^e 2^d Time & Committed to y^e Gent. of y^e Council or any 3 of them

The Bill Entitled, An Act for y^e better Explaining & more Effectual putting in Execution An Act of Genⁿ Assembly entituled, An Act for settling a Ministry &c was also read y^e 2^d Time & Committed to y^e Gent. of y^e Council or any 3 of them

The Bill Entitled, An Act for enforcing & Continuing the Act for Encouraging a *Post office* &c was also read y^e 2^d time & Comitted to y^e Gent. of y^e Council or any 3 of them.

The Bill Entitled, An Act to Enable y^e Justices of y^e peace for y^e City & County of Albany to raise y^e sum of £100 &c was also Read y^e 2^d Time & Committed to y^e Gentlemen of y^e Council or any three of them

The Bill Entituled, An Act to prevent y^e Running away of negro slaves &c was also read y^e 2^d Time & Comitted to y^e Gent. of y^e Council or any 3 of them.

M^r Attorney General (according to order) did lay before this Board a Bill Entituled, An Act for Reviving & Continuing sev^l Acts of Assembly Expired by their own Limitaon made in y^e 1st & 2^d years of her Ma^y's Reign for the better settling & Regulating the Militia of this Province.

At a Council held at ffort Anne in New York this 7th day of July, 1705.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

PETER SCHUYLER, }
THOMAS WINHAM, } Esq^{rs}
ROGER MOMPESSEON, }

JOHN BARBERIE, }
ADOLPH PHILLIPS, } Esq^{rs}

Roger Mompesson Esq^r Reported from y^e Committee of y^e Council to whom y^e Bill Entituled, An Act for Levying & Collecting y^e sum of £1700 &c was referred that they had gone thro y^e sd Bill & made sev^l amendm^{ts} thereto w^{ch} he read in his place and afterwards delivered in at y^e Table where y^e same were read and agreed to & y^e s^d Bill order'd to be read y^e 3^d time wth y^e amendm^{ts}

His Excell acquainted this Board y^t he had Received a Message from y^e House of Representatives, acquainting this Board y^t y^e House had past a Bill Entituled, An Act for defraying y^e Common & necessary Charge in y^e mannor of Renslaerwick in y^e County of Albany, to w^{ch} they desire y^e concurrence of this Board and the said Bill was read the first time and ordered a second reading

M^r Attorney General (according to order) presented to this Board An Act for Encouraging & preserving y^e Trade & Navigation of this Province by laying an additional Duty on all European Commodities w^{ch} shall be Imported from any other place than directly from England w^{ch} was read y^e first time & ordered a 2^d Reading.

M^r Attorney General did also (according to order) present to this Board a Bill Entituled, An Act to prohibit y^e Exportation of all wheat & other corn in Grain out of this Province which was read y^e first time & ordered a 2^d Reading.

Roger Mompesson Esq^r Ch Justice Reported from y^e Committee to whom y^e Bill Entituled, An Act to prevent y^e Running away of Negro slaves &c That they had gone thro y^e s^d Bill & made an amendm^t to y^e same w^{ch} was read & agreed to by y^e Board &

Ordered, that y^e s^d Bill wth y^e amendm^{ts} be read y^e 3^d Time.

He also Reported That y^e said Cōmittee had gone thro' the Bill Entituled, An Act to Enable y^e Justices of y^e peace for y^e City & County of Albany to Raise y^e sum of £100 &c.

At a Council held at Fort Anne in New York, this 10th day of July, 1705.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

PETER SCHUYLER, }
RIP VAN DAM, } Esq^{rs}

THO WENHAM, }
ADOLPH PHILLIPS, } Esq^{rs}

The Bill Entituled, An Act for y^e better Explaining & more effectually putting in Execution An Act of Gen^l Assembly Entituled, An Act for Settling a Ministry &c was read y^e Third time wth the Amendments.

Resolved, that y^e said Bill with the amendments do pass.

Ordered, that M^r Philips do carry the said Bill to y^e Assembly & acquaint them that this Board have agreed to y^e same wth some Amendm^{ts} to w^{ch} they desire the Concurrence of this house.

The Bill Entituled, An Act to prevent y^e Running away of Negro slaves &c was also Read y^e 3^d time wth y^e Amendment.

Resolved, That y^e said Bill wth the amendment do pass &

Ordered, that M^r Philips do also carry back y^e s^d Bill to y^e Assembly & acquaint them y^t this Board have agreed to y^e said Bill wth one amendm^t to w^{ch} they desire y^e Concurrence of this House.

The Bill Entituled, An Act for enforcing & Continuing y^e Act for encouraging a *Post Office* &c was likewise read y^e 3^d time.

Resolved, The Bill do pass.

Ordered, that M^r Philips do acquaint y^e house of Representatives y^t this Board have agreed to y^e s^d Bill without any amendment.

The Bill Entituled, An Act to prohibit y^e Exportaⁿ of all wheat & other corn in grain &c was read y^e 2^d Time & Comitted to the Gentlemen of her Ma^ys Council for this Province or any three of them.

The Bill Entituled, An Act for Encouraging & preserving the Trade &c was also Com^d to y^e said Comitee.

The Bill Entituled, An Act for defraying y^e comⁿ & necessary Charge in y^e manner of Renslaerwick in y^e County of Albany was Read y^e 2^d Time & Comitted to y^e Gent of y^e Council or any three of them.

At a Council held at Fort Anne in New York, this 11th day of July, 1705.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

PETER SCHUYLER,
RIP VAN DAM,
CALEB HEATHCOTE, } Esq^{rs}

THO WENHAM, } Esq^{rs}
ADOLPH PHILIPS, }

Coll Wenham Reported from y^e Comitee to whom y^e Bill Entituled, An Act to prohibit the Exportaⁿ of all wheat &c was Comitted That they had gone thro y^e s^d Bill & made sev^l Amendm^{ts} to y^e same, w^{ch} he read & being severally read at y^e table were upon y^e Question put agreed to.

Ordered, that y^e said Bill with y^e amendm^{ts} be Engrossed.

Coll Wenham also Reported That they had gone thro y^e Bill Entituled, An Act for Reviving & Continuing of sev^l acts.

& had made one amendm^t thereto w^{ch} he read in his place & being read at y^e Table was upon y^e Question agreed to.

Ordered, That y^e s^d Bill with the amendm^t be Engrossed.

A Message from y^e House of Representatives by Mr Whitehead acquainting this Board y^t y^e House had sent a Bill Entituled, An Act for y^e preservaⁿ of Deer to which they desire y^e Concurrence of this House.

The said Bill was accordingly read y^e first time & ordered a second Reading.

Coll Wenham Reported from y^e Com^{ce} to whom y^e Bill entituled, An Act for Encouraging & preserving of Trade &c y^t they had gone thro' y^e s^d Bill & Reported y^e same without any amendment.

Ordered, That y^e said Bill be Engrossed.

Coll Wenham also Reported That y^e said Comitee had gone thro' the Bill Entituled, An Act for defraying y^e Comon & necessary Charge in y^e manner of Renslaerwyck in y^e County of Albany, wthout any amendment.

The said Bill was then Read y^e Third time & past.

Ordered, That Coll Heathcote do carry y^e s^d Bill to y^e House of Representatives & acquaint them y^t this Board have agreed to y^e same wth out any amendment.

A Message from y^e House by Mr Hen Renslaer acquainting this Board y^t y^e House have agreed to y^e amendm^{ts} made by the Council to y^e Bill Entituled, An Act to prevent y^e Running away of negro slaves out of y^e City & County of Albany to y^e French at Canada.

The Bill Entituled, An Act for y^e Levying & Collecting the sum of £1700 &c was read y^e 3^d time wth y^e amendments.

Resolved, That y^e s^d Bill wth y^e amendm^{ts} do pass.

Ordered, that Coll Heathcote do carry y^e s^d Bill to y^e House of Representatives & acquaint them y^t this Board have agree to y^e same wth some amendm^{ts} to w^{ch} they desire y^e Concurrence of this House.

At a Council held at Fort Anne in New York, July y^e 12th, 1705.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

PETER SCHUYLER,
GERARD BECKMAN,
RIP VAN DAM,
CALEB HEATHCOTE, } Esq^{rs}

THO. WENHAM,
ROGER MOMPESON, } Esq^{rs}
ADOLPH PHILIPS, }

The Bill Entituled, An Act to Prohibit y^e Exportaⁿ of all Wheat &c was read y^e 3^d Time.

Resolved, The Bill do pass.

Ordered, that Coll Wenham do Carry y^e s^d Bill to y^e House of Representatives & acquaint them y^t this House have past y^e same & desire their Concurrence thereto.

The Bill Entituled, An Act for Reviving & Continuing sev^l acts of Assembly expired by their own limitaōn made in y^e 1st & 2^d years of her Ma^{ties} reign for the better settling & regulating the militia of this province was read y^e 3^d time.

Resolved, That y^e Bill do pass.

Ordered, that Coll Wenham do also Carry this Bill to y^e House of Representatives & acquaint them that this House have past y^e said Bill to w^{ch} they desire y^e Concurrence of y^t Board.

The Bill Entituled, An Act for y^e preservation of Deer was read the second time & ordered a 3^d Reading.

At A Council held at Fort Anne in New York, this 13th day of July, 1705.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

PETER SCHUYLER, }
RIP VAN DAM, } Esq^{rs}
CALEB HEATHCOTE, }

THO. WENHAM, }
ROGER MOMPESON, } Esq^{rs}
ADOLPH PHILIPS, }

The Bill Entituled, An Act for y^e Encouraging & preserving of Trade &c was read y^e Third Time.

Resolved, That y^e said Bill do pass.

Ordered, that Coll Heathcote do carrey y^e s^d Bill to y^e House of Representatives & acquaint them that this Board have past the s^d Bill & desire their Concurrence thereto.

His Excell acquainted this Board That he had rece^d a Message from y^e Assembly acquainting this Board y^t y^e House had past a Bill Entituled, An Act for y^e Raising y^e sum of Two hundred pounds for y^e paying of Cap^t John Brat & his Compⁿ sent out last winter as Scouts to attend y^e motion of the enemy and for defraying the Incidental Charges w^{ch} was read y^e first time & Ordered a second Reading.

The Bill Entituled, An Act for y^e Preservation of Deer being read y^e 3^d Time was past.

At a Council held at Fort Anne in New York, this 14th day of July, 1705.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

PETER SCHUYLER, }
CALEB HEATHCOTE, } Esq^{rs}

THO. WENHAM, }
ADOLPH PHILIPS, } Esq^{rs}

The Bill Entituled, An Act for raising y^e sum of £200 &c was read the second time & Ordered to lye upon y^e Table.

A Message from the Assembly by M^r Van Brunt & Coll Henry Beekman wth y^e Bill Entituled, An Act for levying & Collecting y^e sum of £1700 w^{ch} had been return'd from this Board wth amendments acquainting this Board of the Resolve of that House viz^t *That it is inconvenient for this House to admit of an amendment to a money Bill.*

At a Council held in Fort Anne in New York, this 17th day of July, 1705.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

PETER SCHUYLER, }
RIP VAN DAM, } Esq^{rs}

THO. WENHAM, }
ADOLPH PHILIPS, } Esq^{rs}

A Message from y^e House of Representatives by M^r Sam^l Mulford acquainting this Board that y^e house had past a Bill Entituled, An Act for Reviving & Continuing An Act Entituled, An Act for Regulating Slaves, to w^{ch} they did desire y^e Concurrence of this Board; The said Bill was read y^e first time & Ordered a 2^d Reading.

The Bill Entituled, An Act for Settling y^e Militia was read y^e 2^d Time & Cōmitted to y^e Gent of y^e Council or any three of them.

At a Council held at Fort Anne in New York, this 18th day of July, 1705.

PRESENT — *His Excellency* EDWARD Viscount CORNBURY, &c.,

RIP VAN DAM, }
THO. WENHAM, } Esq^{rs}

ROGER MOMPESSEON, }
ADOLPH PHILIPS, } Esq^{rs}

His Excell acquainted this Board y^t he had rece^d a Message from the Assembly acquainting this Board y^t that House had past a Bill Entituled, An Act for an allowance to y^e Burgess of y^e Burrough of West Chester which was read y^e first time & Ordered a 2^d Reading.

That they had also past a Bill Entituled, An Act for Continuing An Act for laying out Regulating Clearing & preserving public common Highways thro' out this Colony, w^{ch} was also read y^e first time & Ordered a 2^d Reading.

At a Council held at Fort Anne in New York, this 19th day of July, 1705.

PRESENT — *His Excellency* EDWARD Viscount CORNBURY, &c.,

GERARD BEEKMAN, }
THO. WENHAM, } Esq^{rs}

ROGER MOMPESSEON, }
ADOLPH PHILIPS, } Esq^{rs}

Ordered, That y^e Bill Entituled, An Act for raising y^e sum of £200 &c be Comitted to y^e Gent of the Council or any three of them

The Bill Entituled, An Act for an allowance to y^e Burgess of y^e Burrough of West Chester was read y^e 2^d Time, &

Ordered, to be Comitted to y^e Gentlemen of the Council or any three of them.

Also y^e Bill Entituled, An Act for Reviving & Continuing An Act for Regulating of Slaves was read y^e 2^d Time.

And also y^e Bill Entituled, An Act for Continuing An Act for y^e laying out &c was read the 2^d Time

Ordered, That both y^e said Bills be Committed to the Gentlemen of the Council or any three of them.

John Williams & Joseph Williams having obtained leave of this Board did present to y^e same a Bill Entituled, An Act for y^e making void a certain deed poll Executed by Jn^o Williams & Hope Williams of Oyster bay in Queens County by w^{ch} they conveyed certain lands within y^e Township of Oyster bay to Joseph Mayo, John Mayo & Anthony Wright y^e same being unduly obtained w^{ch} was read y^e 1st Time.

At a Council held at Fort Anne in New York this 26th day of July, 1705.

PRESENT — *His Excellency* EDWARD Viscount CORNBURY, &c.,

GERRARD BEEKMAN, }
RIP VAN DAM, } Esq^{rs}
THO. WINHAM, }

ROGER MOMPESSEON, }
JOHN BARBERIE, } Esq^{rs}
ADOLPH PHILIPS, }

His Excell sent a message to y^e House of Representatives by y^e D Clerk of y^e Council Requiring the house to attend him in Council Immediately.

Accordingly the Speaker with the House having attended his Lo^p he was pleased to make unto them the following speech :

Gentlemen,

The occasion of my Requiring yo^r attendance at this time is to acquaint you That upon a French Privateers coming upon this Coast, & even to y^e very mouth of y^e Harbour, the Gentlemen of her Ma^{ty}s Council for this Colony were of opinion wth me y^t all proper ways & means were to be used to take destroy or drive away y^e sd privateer from this Coast in order to y^e effecting whereof I did order sevⁿ vessels to be fitted for that service, but y^e people being Generally unwilling to go upon y^t service without some Inconragem^t I was advised to Issue a Proclama^{on}, promising a Reward of Two Thousand five hundred pes of Eight to be divided amongst all such persons as should voluntarily engage in y^t service, provided y^e said privateer was taken or otherwise destroyed, y^e vessels were manned wth about 350 men, were victualled for ten days, & sailed to the Hore-Kills in search of y^e Privateer, but had not y^e Good fortune to meet wth him, y^e Revenue being so low y^t it will not answer the necessary charge of the Govern^t is entirely unable to answer this necessary Charge I therefore thought it proper to

acquaint you wth it & lay before you an acco^t of what this Expedition has amounted unto w^{ch} I have in my hand, & I leave it to you to Consider whether it will not be reasonable y^t some Reward be given to y^e officers & men who have been Employed in that service

Gentlemen, I am commanded by her Most Sacred Ma^y y^r Queen to acquaint you wth several acts of parliam^t lately past in England which are these

An Act to Encourage the Importing of naval stores from her Ma^y's planta^tions in America. This act is Chiefly contrived for y^e Good of these parts of y^e World; I hope y^e people of this Colony will apply themselves heartily to y^e promoting of y^t Trade as much as possible w^{ch} will be of very great ndvantage to them, as well us to y^e Kingdom of England. The Queen is likewise pleased to Command me to Recomend to you y^e passing of such acts of Assembly as may make the said act of parliam^t most useful & effectual. The other two acts are An Act to prohibit all Trade & Commerce wth France. And An Act to prevent all Treaterous Correspondence wth her Ma^y's Enemies to w^{ch} her Ma^y expects punctual compli^{ance} from all her subjects.

I am further commanded by y^e Queen to move this assembly to move to Raise a fund for purchasing military stores & for y^e supplying other uses as y^e defence of y^e Province may Require; I hope you will comply with her Majesty's Expectations y^t y^e Govern^t may be in a Condition to defend itself agst any Insult of y^e Enemy.

I must further acquaint you that I have lately rec^{ed} a Letter from y^e R^t Hon^{ble} y^e Lords Comiss^{rs} for Trade & Planta^tions in w^{ch} they express themselves thus [We conceive no reason why y^e Council should not have Right to amend all Bills sent to them by y^e Assembly even those relating to money] This I hope will put an end to y^e difference w^{ch} has arisen of late between this Board & y^e House of Representatives, if you are desirous to have a Copy of y^e whole clause you shall have it

His Excellency further acquainted this Board y^t since y^e last sitting he had rec^{ed} two Messages from y^e Assembly

One of y^e s^d Messages was to acquaint this Board: That y^e House could not agree to y^e amendm^{ts} made by y^e Council to y^e Bill Entitled, An Act for y^e better Explana^{on} & more Effectual putting in Execution An Act of Gen^l Assembly Entitled, An Act for settling a Ministry &c

Resolved, That this Board do not Insist upon their Amendm^{ts} to y^e s^d Bill and

Ordered, that M^r Barberie acquaint y^e House thereof.

The other Message was to acquaint this Board: Y^t y^e House had past a Bill Entitled, An Act to Enable Will. Bradford of y^e City of New York Printer to sell & Dispose of the Real Estate of John Dewsbury late of Oyster bay of Queens County within this Colony dece^d for y^e paym^t of Debts.

M^r Philips Reported from y^e C^omⁱttee to whom y^e Bill Entitled, An Act for an allowance to y^e Burges of y^e Burrough of West Chester was Referred, That they have gone thro' y^e Said Bill & made some amendm^{ts} to y^e Same w^{ch} he read in his place, & the Question being put upon them sev^{ly} were agreed to.

And the said Bill being read y^e Third with the Amendments was past.

M^r Philips also Reported from y^e s^d C^omⁱttee that they had gone thro' y^e Bill Entitled, An Act for y^e Continuing An Act for laying out &c & made several Amendm^{ts} thereto w^{ch} he read in his place & afterwards delivered y^e Same in, when they were also read & y^e Question being put upon y^m Severally they were agreed to.

And the Said Bill with the Amendments was read y^e Third Time & passed.

Ordered, That M^r Barberie do carry y^e s^d two Bills to y^e Assembly & Acquaint them That this Board has agreed to y^e same with some amendments to each to which they desire y^e Concurrence of this House.

The Bill Entitled, An Act for y^e making void a certain Deed Poll Executed by Jn^o Williams &c

Ordered, That y^e s^d Bill be Committed to y^e Gentlemen of ye Council or any three of them and y^t y^e persons concerned be served wth a Copy of y^e Said Bill & be Ordered to Attend this day sennight to offer their Reasons if any they have why the Bill should not pass.

The Attorney Gen^l presented unto this Board a Bill Entitled, An Act to prevent Frauds & Abuses in y^e Exportation of Tar, Pitch, Rozin & Turpentine from this Province directly for England which was read y^e first Time and Ordered a Second Reading.

At a Council held at Fort Anne in New York this 27th day of July, 1705.

PRESENT—

His Excellency EDWARD Viscount CORNBURY, &c.,

RIP VAN DAM,
CALEB HEATHCOTE, } Esq^{rs}
THO. WENHAM,

ROGER MOMPESON, } Esq^{rs}
JOHN BARBERIE,

The Bill Entituled, An Act to prevent frauds & abuses in y^e Exportaōn of Tar &c was read y^e Second Time & Ordered to be Committed to y^e Gent of y^e Council or any three of them.

His Excell acquainted this Board, y^t he had rece^d a Message from y^e Assembly acquainting him That y^e House had past a Bill Entituled, An Act to Enable Will. Bradford of y^e City of New York Printer to Sell & dispose of y^e Real Estate of John Dewsbury late of Oyster bay in Queens County within this Colony, Deceased for the payment of Debts to which they desire y^e Concurrence of this Board the Said Bill was accordingly read y^e first time & Ordered a Second Reading.

At a Council held at Fort Anne in New York, this 30th day of July, 1705.

PRESENT—

His Excellency EDWARD Viscount CORNBURY, &c.,

RIP VAN DAM,
THO. WENHAM, } Esq^{rs}
ROGER MOMPESON,

JOHN BARBERIE, } Esq^{rs}
ADOLPH PHILLIPS,

His Excell acquainted this Board That on Saturday last he had two Messages from y^e House of Assembly viz^t

One by Cap^t Stillwel to acquaint this Board y^t y^e House did agree to y^e amendm^{ts} made by y^e Council to y^e Bill Entituled, An Act for Continuing An Act for laying out, Regulating Clearing & preserving public Comōn Highways thro' out this Colony.

Another by Major Willet acquainting this Board that y^e House did agree to y^e amendments made to y^e Bill Entituled, An Act for an allowance to y^e Burges of y^e Burrough of Westchester.

Mr Philips Reported from y^e Comittee to whom y^e Bill Entituled, An Act for Settling y^e militia was referred That they has gone thro y^e said Bill & made sevⁿ amendm^{ts} to y^e same w^{ch} he read in his place & afterwards upon y^e Question put upon each of y^e s^d amendm^{ts} separately they were seperately agreed to by y^e Board and then y^e Bill was read wth the amendm^{ts} y^e 3^d Time.

Resolved, That y^e s^d Bill wth y^e amendm^{ts} pass.

Coll Wenham Reported from y^e Comittee to whom y^e Bill for raising y^e sum of £200 &c was referred, That they had gone thro' the s^d Bill & made sevⁿ amendm^{ts} to the same which he read in his place & afterwards y^e same being read seperately, & y^e Question seperately put upon each they were seperately agreed to and then y^e Bill with the amendm^{ts} was Read y^e 3^d Time.

Resolved, y^t y^e s^d Bill wth y^e amendm^{ts} do pass.

Ordered, That Mr Philips do carry up y^e s^d Bills to y^e House & acquaint them y^t this Board have agreed to ye s^d Bills wth several amendments to each to w^{ch} they desire the Concurrence of this House.

The Bill Entituled, An Act for Reviving and Continuing An Act Entituled, An Act for Regulating slaves was read y^e third time wth one amendment.

Resolved, That y^e s^d Bill wth y^e amendm^t do pass.

Ordered, That Mr Philips do also carry back this Bill to y^e assembly & acquaint them y^t this Board do agree to y^e same wth one amendm^t to which they desire the Concurrence of that House.

The Bill Entituled, An Act to Enable W^m Bradford of y^e City of N York Printer to sell &c was read y^e 2^d Time.

Ordered, That y^e s^d Bill be Com^{ed} to y^e Gentlemen of the Council or any three of them

The Petition of Coll Bayard & Cap^t Hutchins was read Praying leave to bring in a new Bill to declare y^e Illegality of y^e proceedings agst the said Bayard & Hutchins; which was Granted & then

The s^d Bayard & Hutchins did present to y^e Board a Bill Entituled, An Act declaring y^e Illegality of y^e proceedings agst Coll Nich Bayard & Alderman John Hutchins for pretended High Treason & for Reversing & making null & void y^e s^d Judgm^{ts} & all proceedings thereon which Bill was read y^e first time & ordered a 2^d Reading.

At a Council held at Fort Anne in New York, this 31th day of July, 1705.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

RIP VAN DAM, }
THO. WENHAM, } Esq^{rs}

JN^o BARBERIE, }
ADOLPH PHILIPS, } Esq^{rs}

His Excellency acquainted this Board That he had rece^d two Messages from the assembly vizt one by Mr Coyer acquainting this Board That the House do agree to y^e 2, 4 & 7 amendments but disagree to y^e 1, 3, 5, 6, 8, 9 & 10th amendments made by y^e Council to y^e Bill Entituled, An Act for Settling y^e Militia.

The other by Mr De Laneey acquainting y^e Council That y^e House have agreed to y^e amendm^{ts} made by this Board to the Bill Entituled, An Act for Reviving & Continuing An Act for Regulating slaves.

The Bill Entituled, An Act declaring y^e Illegality of y^e proceedings agst Coll Nich Bayard &c was read y^e 2^d Time & Comitted to y^e Gentlemen of y^e Council or any three of them.

At a Council held at Fort Anne in New York, this 1st day of Aug^t, 1705.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

RIP VAN DAM, }
THO. WENHAM, } Esq^{rs}

JOHN BARBERIE, }
ADOLPH PHILIPS, } Esq^{rs}

Mr Barberie Reported from y^e Cōmittee to whom y^e Bill Entituled, An Act declaring y^e Illegality of y^e proceedings agst Coll Nich Bayard &c was Referred; That they had gone thro' y^e said Bill & made an amendment thereto w^{ch} was Read & agreed to, & then y^e said Bill was read y^e 3^d Time.

Resolved, That y^e s^d Bill do pass.

Ordered, That Mr Barberie do carry y^e s^d Bill to y^e House of Assembly & acquaint them That this Board have past y^e same & desire their Concurrence thereto.

Mr Van Dam Reported from y^e Committee to whom y^e Bill Entituled, An Act to Enable W^m Bradford &c was Committed That they had gone thro' y^e s^d Bill & do Report the same without any amendm^t and then

The Said Bill was read y^e 3^d Time & passed

Ordered, That Mr Barberie acquaint y^e Assembly That y^e Council have agreed to y^e Bill Entituled, An Act to Enable W^m Bradford &c wth out any amendment.

At a Council held at Fort Anne in New York, this 3^d day of Aug^t, 1705.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

RIP VAN DAM, }
Coll WENHAM, } Esq^{rs}

JOHN BARBERIE, }
ADOLPH PHILIPS, } Esq^{rs}

A Messago from the House of Assembly by Major Willet acquainting this Board y^t y^e House have agreed to y^e Bill Entituled, An Act declaring y^e Illegality of the proceedings agst Coll Nich Bayard &c without any amendment.

At a Council held in Fort Anne at New York this 4th day of Aug^t, 1705.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

RIP VAN DAM, }
THO. WENHAM, } Esq^{rs}

JOHN BARBERIE, }
ADOLPH PHILIPS, } Esq^{rs}

A Message to y^e Assembly from his Excellency by the Deputy Sec^{ry} Requiring y^e House to attend him in Council immediately

The House having attended his Excellency according to the Message sent them, his Excellency was pleased to give his assent to & pass these following acts Ordering them to be enrolled viz^t

1. An Act to Enable y^e Justices of y^e peace for y^e City & County of Albany to Raise y^e Sum of one hundred pounds for y^e Repairing or Rebuilding of a Comon goal & City & County Hall over & above y^e Sum of Four hundred pounds they were Enabled to Raise by an Act of Gen^l Assembly made in y^e Second year of her Majestys Reign Entitled, An Act to Enable y^e Justices of y^e peace for y^e City & County of Albany to Repair or Rebuild a comon Goal City & County Hall for the said City and County & to pay the arrears of their public Charge.

2. An Act for Enforcing & Continuing y^e Act for Encouraging a *Post Office* in this Province of New York for three years from y^e month of Octob^r which was in the year 1704.

3. An Act to prevent y^e Running away of Negro Slaves out of the City and County of Albany to y^e French at Canada.

4. An Act for defraying y^e common & necessary Charge of the mannor of Raenslaerwyk in the County of Albany.

5. An Act for y^e preservation of Deer.

6. An Act for y^e better Explaining & more Effectual putting in Execution An Act of General Assembly Entitled, An Act for Settling a Ministry and raising a maintenance for them in y^e City of New York Countys of Richmond West Chester & Queens County.

7. An Act for an Allowance to y^e Burges of the Burrough of West Chester.

8. An Act for Continuing An Act for the laying out, Regulating, Clearing, & preserving public common High ways thro' out this Colony.

9. An Act for Reviving & Continuing An Act Entitled, An Act for Regulating Slaves.

10. An Act to Enable William Bradford of New York Printer to sell and dispose of the Real Estate of John Dewsbury late of Oyster bay in Queens County, within this Colony Deceased for the payment of Debts.

11. An Act Declaring the Illegality of the proceedings against Coll Nicholas Bayard & Alderman Jolin Hutchins for pretended High Treason, & for Reversing & making null & void the said Judgement and all proceedings thereon.

After which his Excell told them that there were some other Bills that had pass'd their House w^{ch} tho' the service of the Countrey did much require they should be past, he was sorrey they contain'd such clauses as he could not pass. nevertheless that y^e service of y^e Countrey might not be wholly neglected, but that they might have an opportunity to do what is necessary & Requisite for the same he thought fit to adjourn this assembly to y^e Tenth day of 7^{br} next. And this Assembly is Adjourned to the said Tenth day of September next accordingly.

TENTH ASSEMBLY SECOND SESSIONS

Att a Councill held att ffort Anne in New Yorke this 26th day of Sept^r, 1705.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

RIP VAN DAM, }
THOMAS WENHAM, } Esq^{rs}

ROGER MOMPESON, }
JOHN BARBERIE, } Esq^{rs}

A message was sent from his Ex^y by the Clk of the Councill to the house of Representatives commanding them to attend him in Councill immediatly which they accordingly did and his Ex^y made the following speech to them vizt

Gentlemen,

The season of the year being so farr advanced I shall not trouble you at this time with any thing but what I think of absolute necessity to be provided for, that is the Defence of the fronteers a hundred flasilcers and fifty out-scouts will be necessary for that service. I hope you will prepare such a Bill for the raising a sum sufficient to answer that Charge, as I may give my assent to it without breaking the Instructions her Most Sacred Majesty the Queen has been pleased to Honour me with. This, Gentlemen, is all I shall recommend to your consideration att this present and to which I intreat you to give all possible dispatch

I had almost forgot to put you in mind of the sea Expedition this summer. I think that ought to be discharged because severall debts have been contracted upon that account

Att a Councill held att ffort in New Yorke y^e 4th day of Octo^r, 1705.

PRESENT — *His Excellency* EDWARD Viscount CORNBURY, &c.,

GERARDUS BEEKMAN,	} Esq ^r	ROGER MOMPESSEON,	} Esq ^r
CALEB HEATHCOTE,		JOHN BARBERIE,	
THOMAS WENHAM,		ADOLPH PHILLIPSE,	
KILLIAN VAN RENSLAER,			

His Ex^{ty} acquainted this Board that he had received from the house of Representatives a Bill Entituled, An Act for the raising a sūme sufficient to answe^r the Charge of ffuzileers and outscouts for y^e Defence of the ffronteers which Bill they had past and desired the Concurrence of this Board.

the said Bill was accordingly read the first time

Ordered, that a message be sent to the house of Representatives to desire a free conference with them att the Coffee house to morrow morning at nine a Clock upon the subject matter of the said Bill and that Adolph Phillipse Esq^r do carry the said message.

Att a Councill held att ffort Anne in New Yorke the 5th day of Oct^r, 1705.

PRESENT — *His Excellency* EDWARD Viscount CORNBURY, &c.,

GERARDUS BEEKMAN,	} Esq ^r	ROGER MOMPESSEON,	} Esq ^r
CALEB HEATHCOTE,		JOHN BARBERIE,	
THOMAS WENHAM,		ADOLPH PHILLIPSE,	
KILLIAN VAN RENSLAER,			

The Report of Roger Mompesson Esq^r Chairman of y^e Committee appointed for a Conference wth the house of Representatives on the Subject matter of the Bill Entituled, An Act for the raising a sūme sufficient to answer the Charge of ffuzileers and out scouts for the Defence of the ffronteers was Read.

Ordered, that the Reasons of this Board ag^t some Clauses in the s^d Bill be drawn in writing. and that a Message be sent to the said house to desire a Conference with the said house att the Coffee house at four a clock this afternoon upon the Subject matter of the Last Conference and that the said Reasons be then delivered att the said Conference.

Att a Councill held att ffort Anne in New Yorke the 6th day of Oct^r, 1705.

PRESENT — *His Excellency* EDWARD Viscount CORNBURY,

CALEB HEATHCOTE,	} Esq ^r	ROGER MOMPESSEON,	} Esq ^r
THOMAS WENHAM,		JOHN BARBERIE,	
KILLIAN VAN RENSLAER,			

The Report from the Committee of this Board appointed for a Conference wth the house of Representatives was read

Att a Councill held att ffort Anne in New Yorke this 11th day of October, 1705.

PRESENT — *His Excellency* EDWARD Viscount CORNBURY, &c.,

PETER SCHUYLER,	} Esq ^r	ROGER MOMPESSEON,	} Esq ^r
CALEB HEATHCOTE,		JOHN BARBERIE,	
THOMAS WENHAM,		ADOLPH PHILLIPSE,	
KILLIAN VAN RENSLAER,			

His Ex^{ty} acquainted this Board with a message from the house of Representatives desiring a Conference.

Resolved, that this Board do agree to a Conference with the house of Representatives imediatly att the Coffee house and that Killian Van Renslaer Esq^r do acquaint them therewith.

Att a Councill held att y^o same place att 11 aclock the same day

PRESENT — As before, and likewise GERRARDUS BEEKMAN, Esq^r,

The Report of Roger Mompesson Esq^r Chairman of the Committee appointed for a Conference with the house of Representatives was Read

As was likewise the answere of the Generall Assembly to reasons offered by her Maj^{ties} Councill att a Conference on the subject matter of the Bill Entituled, An Act for the Raising a Sume sufficient to answere the Charge of the ffuzileers and outscouts for the defence of the frontiers and their reasons for insisting on some clauses of the said Bill

The s^d Bill was read a second time & Committed.

Att a Councill held att ffort Anne in New Yorke this twelfth day of Octob^r, 1705.

PRESENT — His Excellency EDWARD Viscount CORNBURY, &c.,

PETER SCHUYLER,	} Esq ^{rs}	ROGER MOMPESSEON,	} Esq ^{rs}
CALEB HEATHCOTE,		JOHN BARBERIE,	
THOMAS WENHAM,		ADOLPH PHILLIPSE,	
KILLIAN VAN RENSLAER,			

Roger Mompesson Esq^r reports from the Comittee to whome the Bill Entituled An Act for the raising a Sume Sufficient to answere the Charge of ffuzileers and outscouts for the defence of the frontiers was Comitted that they had gone through the said Bill and made Severall amendments thereto which were read & agreed to and then

The Said Bill was read a Third time.

Resolved, That the Bill with the amendments do passe

Ordered, to John Barberie Esq^r do carry the Said Bill with the amendments to the house of Representatives and desire their Concurrence thereto

Att a Councill held att ffort Anne in New Yorke this 13th day of Octob^r, 1705. .

PRESENT — His Excellency EDWARD Viscount CORNBURY, &c.,

PETER SCHUYLER,	} Esq ^{rs}	ROGER MOMPESSEON,	} Esq ^{rs}
THOMAS WENHAM,		JOHN BARBERIE,	
KILLIAN VAN RENSLAER,		ADOLPH PHILLIPSE,	

His Ex^{ty} acquainted this Board that he intended to Prorogue the Assembly by reason the winter drew nigh and her Maj^{ties} service requiring his presence in New Jersey and the Speaker wth some members having attended according to his Ex^{ty}s order and being called in his Ex^{ty} prorogued them to the first day of May next.

[IN EXECUTIVE SESSION.]

Att a Councill held att ffort Anne in New Yorke the 23^d day of Aprill, 1706.

PRESENT — His Excellency EDWARD Viscount CORNBURY, &c.,

GERARDUS BEEKMAN,	} Esq ^{rs}	JOHN BARBERIE,	} Esq ^{rs}
RIP VAN DAM,		ADOLPH PHILPSE,	
THOMAS WENHAM,			

His Excell^{ty} acquainted this Board that her Maj^{ties} service required his presence in the Province of New Jersey the first day of May next to which day the Assembly of this Province stands prorogued ; wherefore it is

Resolved, that the s^d Assembly be further Prorogued to Thursday the twelfth day of September next & a Proclamation was signed & ordered to be published Proroguing the said Assembly accordingly

Att a Council held att ffort Anne in New Yorke the 14th day of May, 1706.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

RIP VAN DAM,
THOMAS WENHAM, } Esq^{rs}

JOHN BARBARIE, Esq^r

His Exly informed this Board that upon the Petition of the Mayor Aldermen and Comonalty of this City he put off his intended Journey to the Jerseys. In which Petition they likewise prayed his Exly to call the Assembly in this Exigency that speedy provision may be made for our Defence and it being the opinion of this Board that its very necessary on this urgent occasion it is thereupon ordered that a Proclamation Issue forth calling the Assembly to sitt on fryday the twenty fourth instant.

[New York Col. MSS., LI., 135.]

BY HIS EX^{LY} EDW^D CORNBURY, &c.

A PROCLAMATION.

WHEREAS the Gen^l Assembly of this Province was by a Proclamation Issued by and with the advice of her Maj^{ties} Council Prorogued unto the Twelfth day of September next But the late unhappy Depredations of the french upon the Islands of Nevis, St Christophers and Monseratt in the West Indies having encouraged them to carry their designs to this and other her Maj^{ties} Colony's on the Continent as the late advices from St Thomas's and other parts of the West Indies give too Just reason to fear, I have therefore that no means may be left untried for the safety and Preservation of her Maj^{ties} Subjects and for the defence and security of this Colony in this Exigencie thought fitt by and with the advice of her Maj^{ties} Council for this Province to Call the s^d Gen^l Assembly to meet att the City of New Yorke on fryday the 24th day of this Instant May and I do hereby require the said Gen^l Assembly to meet accordingly.

14th May 1706

TENTH ASSEMBLY THIRD SESSIONS.

Att a Council held att ffort Anne in New Yorke the 29th day of May, 1706.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

PETER SCHUYLER,
GERARDUS BEEKMAN, } Esq^{rs}
THO : WENHAM,

ROGER MOMPESON, }
JN^O BARBARIE, } Esq^{rs}
AD. PHILLIPS,

His Exly having sent the Clerk of the Council to Comand the assembly to attend him in the Council Chamber and they being accordingly come his Exly made the following speech to them (viz^t)

Gentlemen,

The service of her Most Sacred Matie the queen in the neighbouring Colony having obliged me to Prorogue this assembly to the month of September next, I should not have given you the trouble of meeting till that time Were I not forced to it by an indispensable necessity the Repeated advices our merchants here have Received from their Correspondents in the West Indies, of the design the french have of attempting this Collony, have made me think it of absolute necessity to call you together at this time, that all proper measures may be taken for the defence of this place which as yet Lies very open naked and defenceless. There are Two things therefore which I shall Chiefly Recommend to your Care, one is the providing a fund for the ffortifying of this City, the other is the providing a Fund for the Repairing this her M^{ties}

Fort which is Extreemly out of order, and for mounting the Guns most of the Carriages being Rotten and unservicahle These two things are of absolute necessity and without which is to be feared, this place may become a prey to a powerfull Enemy who Can Design no Less than to lay it waste and destroy it, as they have done the Islands of Nevis and St Christophers, whose misfortunes I hope will be an inducement to you to make effectuall provision for the defence of this Colony and you may be sure that whatever you shall think fit to give shall be applied to the uses for which you Give it, and to no other.

Gentlemen, I must take notice to you that the last assembly did pass An Act for the Raising the sūme of £1500 Towards the Erecting Batteries att the Narrows, which would have been of very Great use at this time had that money been Collected, but it has not, I am sensible that some malicious, ill minded People have Reported, That I have taken that money into my hands that the truth therefore may be known and I Justified I Recommend it to you Gentlemen of the house of Representatives to make a strict Enquire into that Tax, I think it proper to Recommend to you the Reviving the Militia Act which Expired by its own Limitation in the year 1704 and I am the rather Induced to do it att this time, because in this time of danger if there be not some law past to keep the People to theire duty I shall be forced to put Martiall Law in practice which I am sure will fall heavier than any Act of assembly will do. I cannot conclude without putting you in mind of the necessity of making provision for outscouts this next winter to be sent from Albany. These are the things I thought proper to Recommend to you and which I hope you will provide for with all possible dispatch because I think the nature of the thing Requires it, if you can think of any thing Else that may Require the aid of An Act of assembly at this time you shall always find me Ready to do anything w^{ch} shall be proposed to me for the Queens service and the Good of the Countrey.

Att a Councill held att ffort Anne in New York, this 13th day of June, 1706.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

PETER SCHUYLER,
GERRARDUS BEEKMAN,
RIP VAN DAM,
CALEB HEATHCOTE, } Esq^{rs}

THOMAS WENHAM,
KILLIAN VAN RENSLAER,
ROGER MOMPESON,
ADOLPH PHILLIPS, } Esq^{rs}

His Excellency acquainted this Board that he Received from the house of Representatives a Bill Entituled, An Act for reviving An Act of Gen^l Assembly entituled, An Act for the better settling the militia of this province and making it more usefull for the security and Defence thereof for the space of one year to w^{ch} they desire the concurrence of this Board, which Bill was read the first time and ordered to be read a second time to morrow.

Att a Councill held att ffort Anne in New Yorke, this 14th day of June, 1706.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

PETER SCHUYLER,
CALEB HEATHCOTE, } Esq^{rs}
THOMAS WENHAM, }

KILLIAN VAN RENSLAER,
ROGER MOMPESON,
JOHN BARBERIE,
ADOLPH PHILLIPS, } Esq^{rs}

The Bill Entituled, An Act for reviving An Act of Gen^l assembly Entituled, An Act for the Better settling the militia of this Province and making it more usefull for the security and Defence thereof for the space of one year was read the second time and Committed to the Gentlemen of the Councill or any three of them.

His Exly acquainted this Board that he had received from the house of Representatives a Bill Entituled, An Act for raising a fund for scouts for the fronteers att Albany for the year Ensuing to which they desire the Concurrence of this Board which Bill was read the first time and ordered to be read a Second time.

His Exly likewise acquainted this Board that he had received from the house of Representatives a Bill Entituled, An Act for the raising leavying and collecting the sūme of three thousand pounds to be applied towards the Charge of fortifying the City of New Yorke to which they desired the concurrence of this Board which Bill was read the first time and ordered to be read a second time.

Att a Councill held at ffort Anne in New Yorke, this 18th June, 1706.

PRESENT — *His Excellency* EDWARD Viscount CORNBURY, &c.,

PETER SCHUYLER,
THOMAS WENHAM,
KILLIAN VAN RENSLAER, } Esq^{rs}

ROGER MOMPESSEON, } Esq^{rs}
JOHN BARBERIE, }

The Bill Entituled, An Act for raising a fund for scouts for the frontiers att Albany for the year Ensuing was Read a second time and Committed to the Gentlemen of the Councill or any three of them.

The Bill Entituled, An Act for the Raising Leavying and Collecting the sume of three thousand pounds to be applyed towards the Charge of flortifying the Citty of New Yorke was Read a second time and Committed to the Gentlemen of the Councill or any three of them.

Att a Councill held att ffort Anne in New Yorke, this 20th day of June, 1706.

PRESENT — *His Excellency* EDWARD Viscount CORNBURY, &c.,

PETER SCHUYLER,
GERRARD BEEKMAN,
RIP VAN DAM,
CALEB HEATHCOTE,
THOMAS WENHAM, } Esq^{rs}

KILLIAN VAN RENSLAER,
ROGER MOMPESSEON,
JOHN BARBERIE,
ADOLPH PHILLIPS, } Esq^{rs}

His Excellency acquainted this Board that he had received a Bill from the house of Representatives Entituled, An Act to Enable the Mayor, Aldermen and Common Councill of the Citty of New Yorke to carry on the flortifications of the said Citty to which they desired the concurrence of this Board, which Bill was read the first time and ordered to be read a second time.

M^r Phillips Reported from the Committee to whom the Bill Entituled, An Act for reviving An Act of Gen^l Assembly Entituled, An Act for the better settling the Militia of this Province, and making it more usefull for the security and defence thereof for the space of one year was referred that they had gone through the said Bill and made some amendments thereto which were read and agreed to and then

The said Bill was read a third time.

Resolved, that the said Bill with the amendments do pass.

Ordered, that M^r Phillips do carry the said Bill to the house of Representatives and acquaint them that this Board have passt the same and desire their concurrence thereto.

Roger Mompesson Esq^r Reported from the Committee to whom the Bill Entituled, An Act for raising Leavying and Collecting the sume of Three thousand pounds to be applyed towards the charge of flortifying the Citty of New Yorke was committed that they have gone through the said Bill without making any amendment thereto.

Ordered, that the said Bill be recommitted to the said Committee for their reasons for passing the same without making any amendment thereto.

Roger Mompesson Esq^r Reported from the Committee to whom the Bill Entituled, An Act for raising a fund for scouts for the frontiers att Albany for the year Ensuing was Comitted that they have gone through the said Bill without making any amendment thereto.

Ordered, that the said Bill be recommitted to the said Committee for their reasons of passing the same without making any amendment thereto.

Att a Councill held att ffort Anne in New Yorke, the 21th day of June, 1706.

PRESENT — *His Excellency* EDWARD Viscount CORNBURY, &c.,

PETER SCHUYLER,
GERARDUS BEEKMAN,
CALEB HEATHCOTE,
THOMAS WENHAM, } Esq^{rs}

ROGER MOMPESSEON, } Esq^{rs}
JOHN BARBERIE, }

His Exly acquainted this Board that he had a Message from the Assembly acquainting him they had agreed to the amendment made by this board to the Bill Entituled, An Act for reviving An Act of Generall Assembly Entituled, An Act for the better settling the Militia of this

Province and making it more usefull for the security and defence thereof for the space of one year.

Mr Mompesson Chairman of the Committee to whom the Bill Entituled, An Act for the raising leavying and Collecting the sune of Three thousand pounds to be applyed towards the Charge of flortifying the City of New Yorke was recommitted for their reasons for passing the said Bill wthout any amendment, Reported from the said Committee their reasons for so doing which he read in his place & then delivered in att the table.

Ordered, that the said Bill lye on the Table.

Mr Mompesson Chairman of the Committee to whom the Bill Entituled, An Act for raising a fund for scouts for the flronteers att Albany for the year Ensuing was recommitted for their reasons for passing the said Bill without any amendm^t Reported from the said Committee their reasons for so doing which he read in his place and then delivered in att the Table.

Ordered, that the Said Bill lye on the table.

The Bill Entituled, An Act to enable the Mayor Aldermen and Common Councill of the City of New Yorke to carry on the flortifications of the said City was read a Second time and Committed to the Gent^s of this Board or any three of them

Att a Councill held att ffort Anne in New Yorke this 22th June, 1706.

PRESENT — His Excellency EDWARD Viscount CORNBURY, &c.,

RIP VAN DAM, } Esq^r
THOMAS WENHAM, }

JOHN BARBERIE, } Esq^r
ADOLPH PHILLIPS, }

The Bill Entituled, An Act to Enable the Mayor Aldermen and Common Councill of the City of New Yorke to carry on the flortifications of the said City was Reported and there being now one amendment made to the said Bill.

Ordered, that Mr Barberie do carry the said Bill to the house of Representatives and acquaint them that this Board has past the said Bill wth one amendment to which this Board desires their Concurrence

Att a Councill held att ffort Anne in New Yorke this 27th day of June, 1706.

PRESENT — His Excellency EDWARD Viscount CORNBURY, &c.,

PETER SCHUYLER, }
RIP VAN DAM, } Esq^r
THOMAS WENHAM, }
KILLIAN VAN RENSLAER, }

ROGER MOMPESON, } Esq^r
JOHN BARBERIE, }
ADOLPH PHILLIPS, }

His Exly informed this Board that he had received a Message from the Assembly acquainting him they have agreed to the Amendment made by this Board to the Bill Entituled, An Act to Enable the Mayor Aldermen and Common Councill of the City of New Yorke to carry on the flortifications of the Said City.

His Exly having sent the Secretary to the house of Representatives to command their attendance in the Councill Chamber and they being accordingly come his Exly past the following Acts ordering them to be Eurolled.

1. An Act for reviving An Act of Generall Assembly Entituled, An Act for the better Setting the Militia of this Province and making it more usefull for the Security and defence thereof for the space of one year.

2 An Act to Enable the Mayor Aldermen and Common Councill of the City of New Yorke to carry on the flortifications of the Said City.

Then his Exly informed them that by his Maj^{ties} Instructions he could not pass the Two other Bills in the manner they were Drawn (vizt) one the Bill Entituled, An Act for the raising levyng and Collecting the sune of three thousand pounds to be applyd towards the Charge of flortifying the City of New Yorke. The other the Bill Entituled, An Act for raising a fund for scouts for the flronteers att Albany for the year Ensuing. But his Exly Expecting her Maj^{ties} further Commands in relation to money Bills of this nature he would not reject these Two Bills and therefore adjourned the Assembly to the Twelfth day of September next.

[IN EXECUTIVE SESSION.]

Att a Councill held att ffort Anne in New Yorke the 22th day of August, 1706.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,RIP VAN DAM, }
THOMAS WENHAM, } Esq^{rs}ROGER MOMPESSEON, }
JOHN BARBERIE, } Esq^{rs}

His Ex^{ly} Recommended it to the Consideration of this board for their opinion to what further time it may be proper to adjourn the Assembly of this Province which stands adjourned to the 12th of September next by reason his Ex^{ly} designs for Albany.

Att a Councill held att ffort Anne in New Yorke this 29th day of August, 1706.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,THOMAS WENHAM, }
ROGER MOMPESSEON, } Esq^{rs}JOHN BARBERIE, Esq^r

The Councill having delivered their opinion of the time proper to adjourn the assembly of this Province.

Ordered, that a Proclamation issue for adjourning the said assembly unto tuesday the 24th day of September next.

TENTH ASSEMBLY FOURTH SESSIONS.

Att a Councill held att ffort Anne in New Yorke, this 27th day of September, 1706.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,PETER SCHUYLER, }
THOMAS WENHAM, } Esq^{rs}
KILLIAN VAN RENSLAER, }ROGER MOMPESSEON, }
JOHN BARBERIE, } Esq^{rs}
AD. PHILLIPS, }

His Ex^{ly} having sent the secretary to the assembly to command their attendance in the Councill Chamber and they being accordingly come his Ex^{ly} made the following Speech to them (vizt)

Gentlemen,

When I dismiss you at the end of the last Sessions in June last I acquainted you that tho I could not assent to the Bill you tendered to me for the raising the sume of Three thousand pounds towards the fortifying of this City yet I would not reject it, hoping that I might Receive such Direcc^{ns} from England as might make that matter more Easie. I am very glad I can now acquaint you that my Expectations are answered. I have Received Letters from the Right Honourable the Lords Commission^{rs} for Trade and Plantacons containing her Most Gracions Majesties commands to me to permitt the Gen^l assembly of this Province to name their own Treasurer when they raised Extraordinary supplys for particular uses and w^{ch} are no part of her M^{ties} standing and constant Revenue But the Treasurer so nominated must be accountable to Gov^r Councill and assembly. Warrants may be Issued by the Collonels Cap^{ts} or other persons as the Act shall Direct, But the Governour must always be Informed of the occasion of issueing of such warrants and all persons concerned in the issueing and disposing of such moneys must be made accountable to Governour Councill and Assembly. Thus Gentlemen I have acquainted you with her M^{ties} Pleasure relating to the passing of Bills for the raising moneys for Extraordinary supplyes.

Gentlemen,

I am commanded by the Right Honourable the Lord Commissioner for Trade and Plantations to acquaint you that her Maties Council for this Province have undoubtedly as much to do in forming of Bills for y^e Granting and Raising of money as the assembly and Consequently have a Right to alter or mend any such money Bills as well as the assembly. Their Lordships likewise observed that in y^e Preamble of the £1700 Bill there is an Error in not Granting the money thereby Intended to be raised to the Queen which need not hinder the Assembly from appropriating the money to be Granted to such uses as are found Requisite. Their Lordships further observe that the Penalty in the last clause in the £1700 Bill is of an Extraordinary nature such as no assembly anywhere else ever attempted before, and they say it is highly Presumptuous in the Assembly to pretend to propose or pass any clause whereby her Matie is Restrained in her Royall Prerogatives of pardoning or Reprieving her Subjects whenever she sees it Reasonable and Convenient and they Command me to acquaint the Assembly wth these matters that the like Errors may be avoided for the future. I am further to acquaint you that their Lordships are of opinion that the Province of New York ought to provide towards its own Security by Giving Such necessary funds (as is done in other Plantacōns) for furnishing the Inhabitants with arms as there may be occasion and this their Lordships command me Likewise to represent to you.

Thus Gentlemen I have acquainted you with those things I had in Charge from England. I shall now mention to you those things which in my opinion ought not to be provided for, and first, I Desire you to observe that by the Directions I have now Received, it is impossible for me to pass the £3000 Bill in the terms it is now conceived, and therefore I intreat you to Prepare another Bill for that Service according to the methods above mencōd. I must likewise Recommend to your Consideration the providing a fund for the paying the Detachment sent up und^r Cap^t Higby's Command for the Defence of the frontiers in the year 1704 and the outscouts und^r the command of Cap^t Brat and Since that time and Likewise for defraying the Charge of Coll^o Schuylers Journey to the onondages Countrey at a time when we were in great danger of having the five Nations debauched from their allegiance to the Crown of England which was prevented by his Going. this was so good a service that I hope you will think it Reasonable that Charge should be answered. I must likewise acquaint you that By accident very lately the Guard Room in the ffort att Schonechtady was Burnt down wth a Great quantity of firewood which had Been Provided for this Winter now Coming on. I should be Glad that might be Repaired before the Cold weather Comes, Else it will be impossible for the men to keep Guard in that place which Lies the most Exposed of all our frontiers, I will direct an Estimate to be laid before you for that purpose I must again recōmend to you the Providing a fund for y^e repairing and maintaing her Maties ffort in this Citty which yet wants severall things to put it into a posture fit to Resist an Enemy, If we should be attackt which we very narrowly escaped this Summer. Whether you will not Think fitt to ffortifie the Narrows to prevent any attempt of the Like nature for the future, I leave to your Consideration but in my Judgement I look upon that to be the best way to Cover this Citty from any attempt the french may intend to make upon us and I chuse to mention it to you at this time the rather because Cap^t Redknapp whom the Queen has been pleased to appoint to be her Engineer in these parts is now here and will if you desire it Give you an account of what he thinks proper to be done to answer that End.

The last thing I shall trouble you wth at this Time is the Providing a fund for the defence of the frontiers at and about Albany this Winter, one hundred men and five and twenty out scouts will, in my opinion, be sufficient to answer that service.

Thus Gentlemen I have offered to you what I think necessary to be provided for. If any other things occur to yo^r thoughts which may be necessary to be provided for by a Law you shall always find me ready to consent to any thing that may conduce to the service of her Most Sacred Majesty the Queen and the good and wellfare of the Countrey.

Att a Council held att Fort Anne in New Yorke, this 14th day of Oct^r, 1706.

PRESENT—

His Excellency EDWARD Viscount CORNBURY, &c.,

PETER SCHUYLER, }
RIP VAN DAM, } Esq^{rs}
THOMAS WENHAM, }

JOHN BARBERIE, }
ADOLPH PHILLIPS, } Esq^{rs}

His Excellency informed this Board that he has received from the Assembly a Bill Entituled, An Act for raising the sume of Three thousand pounds towards defraying the Expence of Fortifying the Citty of New Yorke to which they desire the concurrence of this Board.

Which Bill was read the first time and

Ordered to be read a second time to morrow morning.

Att a Council held att ffort Anne in New Yorke, this 15th day of Octobr, 1706.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

PETER SCHUYLER,
RIP VAN DAM,
THOMAS WENHAM, } Esq^r

JN^o BARBERIE,
ADOLPH PHILLIPS, } Esq^r

The Bill Entituled, An Act for raising the sūme of Three thousand pounds towards defraying the Expençe of flortifying the City of New York was read a second time and Committed to the Gentlemen of the Council or any three of them.

Att a Council held att Fort Anne in New Yorke, this 16th day of October, 1706.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

PETER SCHUYLER,
THOMAS WENHAM,
KILLIAN VAN RENSAER, } Esq^{rs}

JOHN BARBERIE,
ADOLPH PHILLIPS, } Esq^{rs}

Thomas Wenham Esq^r Chairman of the Committee to whom the Bill Entituled, An Act for raising the sūme of Three Thousand pounds towards defraying the Expençe of Fortifying the City of New Yorke was committed Reported to this Board that they have gone through the said Bill without making any amendment.

Ordered, that the said Bill be read a third Time which being accordingly done.

Resolved, the Bill do pass.

Ordered, that Adolph Phillips Esq^r do acquaint the house of Representatives that this Board has gone through the said Bill without making any amendment thereto.

His Excellency acquainted this Board that he has Reccd from the Assembly a Bill Entituled, An Act to Encourage the Baptizing of Negro Indian and Mulatto Slaves for the concurrence of this Board which Bill was read y^e first time and ordered a second Reading, o morrow.

Att a Council held att ffort Anne in New Yorke this 17th day of October, 1706.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

PETER SCHUYLER,
GERARDUS BEEKMAN,
THOMAS WENHAM, } Esq^{rs}

KILLIAN VAN RENSLAER,
ROGER MOMPESON, } Esq^{rs}

The Bill Entituled, An Act to Encourage the Baptizing of Negro Indian and Mulatto Slaves was Read a Second time and Committed to the members of this board or any three

His Excellency informed this Board that he has Received a Bill from the Assembly Entituled, An Act for raising a Fund for the Defence of the Frontiers and other uses to w^{ch} they desire the Concurrence of this Board

Which Bill was read the first time and ordered to be read a Second time to morrow morning.

Att a Council held att ffort Anne in New Yorke this 18th day of October, 1706.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

PETER SCHUYLER,
RIP VAN DAM,
THO: WENHAM, } Esq^{rs}

KILLIAN VAN RENSSALER,
ROGER MOMPESON,
JOHN BARBERIE, } Esq^{rs}

John Barberie Esq^r Chairman of the Committee to whom the Bill Entituled, An Act to Encourage the Baptizing of Negro Indian & Mulatto Slaves was Committed Reports that they have gone through the Said Bill and made one amendment thereto which he read in his place and afterwards delivered in at the table where the same was read and agreed to by the Board

Resolved, the Bill wth the amendment do pass.

Ordered, that M^r Barberie do carry the said Bill to the house and acquaint them that this Board has past the Same wth one amendment to which this Board desires their Concurrence.

The Bill Entituled, An Act for raising a Fund for the Defence of the Frontiers and other uses was read a Second time and Committed.

His Excellency acquainted this Board that he has Received from the house of Representatives two Bills one Entituled, An Act to furnish the Town Guards att Schonectady in the County of Albany with firewood, and to repair the Guard house and gates of that Town. The other Entituled, An Act for the better raising Levying and defraying the necessary charge of the mannor of Renslaerwick in the County of Albany which Bills were read the first time and ordered to be read a Second time.

Mr Schuyler and Mr Chayler two of the members of the house of Representatives brought from the said house and delivered to this Board for their Concurrence Two Bills one Entituled, a Bill to Enable the Mayor Recorder Aldermen and Commonalty of the City of Albany for the time being to raise moneys for defraying their publick and necessary Charges annually

The other Entituled, An Act for regulating the Inner fences of Land in the County of Albany which Bills were read the first time and Ordered to be read a Second time

Att a Councill held att ffort Anne in New Yorke this 19th day of October, 1706.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

PETER SCHUYLER,
RIP VAN DAM,
THO. WENHAM, } Esq^{rs}

KILLIAN VAN RENSLAER,
ROGER MOMPESSEON,
ADOLPH PHILLIPS, } Esq^{rs}

His Excellency acquainted this Board that Mr Ward has brought from the house of Representatives y^e Bill Entituled, An Act to Encourage the Baptizing of Negro Indian and Mulatto Slaves and acquainted him that the said house do not insist upon the said clause and that they have agreed to the amendment

Roger Mompesson Esq^r Chairman of the Committee to whom the Bill Entituled, An Act for raising a Fund for the Defence of the Frontiers and other uses was Committed Reports to this Board that they have gone through the said Bill without making any amendment.

Ordered, that the said Bill be read a third time which being accordingly done,

Resolved, the Bill do pass.

The Bill Entituled, An Act to furnish the Towne Guards att Schonectady in the County of Albany with firewood & to repair the guard house and gates of that Towne, was read a second time and Committed to the Gentlemen of the Councill or any three of them.

The Bill Entituled, An Act for the better raising Levying and defraying the necessary charge of the Mannor of Renslaerwick in the County of Albany was read a second time and Committed to the Gentlemen of the Councill or any three of them.

The Bill Entituled, An Act for regulating the Inner fences of Land in the County of Albany was read a second time and Committed to the Gentlemen of the Councill or any three of them.

The Bill Entituled, a Bill to Enable the Mayor Recorder Aldermen and Commonalty of the City of Albany for the time being to raise money for defraying their publick and necessary charges annually was read a second time and Committed to the Gentlemen of the Councill or any three of them.

Att a Councill held att Fort Anne in New Yorke, this 21th day of October, 1706.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

PETER SCHUYLER,
RIP VAN DAM,
THOMAS WENHAM,
KILLIAN VAN RENSLAER, } Esq^{rs}

ROGER MOMPESSEON,
JOHN BARBERIE,
ADOLPH PHILLIPS, } Esq^{rs}

Peter Schuyler Esq^r Chairman of the Committee to whom the Bill Entituled, An Act for the Better raising Levying and defraying the necessary Charge of the Mannor of Renslaerwick in the County of Albany was Committed reported to this Board that they have gone through the said Bill without making any amendmt.

Ordered, that the said Bill be read a third time which being accordingly done,

Resolved, the Bill do pass.

Peter Schuyler Esq^r Chairman of the Committee to whom the Bill Entituled, A Bill to Enable the Mayor Recorder Aldermen and Commonalty of the City of Albany for the time being to raise moneys for defraying the publick and necessary Charges annually was Committed Reported to this Board that they have gone through the said Bill without making any amendment thereto.

Ordered, that the said Bill be read a third time, which being accordingly done,
Resolved, the Bill do pass.

Peter Schuyler Esq^r Chairman of the Committee to whom the Bill Entituled, An Act to furnish the Town Guards at Schonectady in the County of Albany with firewood and to repair the Guard House and Gates of that Towne was Committed Reported to this Board that they have gone through the said Bill without making any amendment thereto.

Ordered, that the said Bill be read a third time, which being accordingly done,
Resolved, the Bill do pass.

Peter Schuyler Esq^r Chairman of the Committee to whom the Bill Entituled, An Act for Regulating the Inner Fences of Land in the County of Albany was Committed Reported to this Board that they have gone through the said Bill without making any amendment thereto.

Ordered, that the Bill be read a third time, which being accordingly done,
Resolved, the Bill do pass.

Ordered, that Adolph Phillips do acquaint the house of Representatives that this Board has past without any amendment the four afore mentioned Bills as likewise a Bill Entituled, An Act for raising a fund for the defence of the Frontiers and other uses.

There not being members enough in Town to make a house of Representatives the Clk of that house being called in his Exly adjourned them till four a Clock this afternoon

His Exly having asked the opinion of the Gentlemen of this Board what may be the properest season for the next sessions of Assembly they declared their opinions according that May would be a very proper time.

His Excellency having sent the Secretary to the house of Representatives to command their attendance in the Councill Chamber and they being accordingly come his Exly past these following acts ordering them to be enrolled.

1. An Act for raising the sune of Three thousand pounds towards defraying the Expence of fortifying the City of New York.
2. An Act to Encourage the Baptizing of Negro Indian and Mulatto Slaves.
3. An Act for raising a Fund for the defence of the Frontiers and other uses.
4. An Act to furnish the Town Guards att Schonectady in the County of Albany with firewood and to repair the guard house and gates of that Town.
5. An Act for the better raising Levyng and defraying the necessary charge of the mannor of Renslaerwick in the County of Albany.
6. A Bill to Enable the Mayor Recorder Aldermen and Commonalty of the City of Albany for the time being to raise moneys for defraying their publick and necessary charges annually.
7. An Act for regulating the Inner Fences of Land in the County of Albany.

Then his Exly told the Assembly that the buisness of this sessions being brought to a conclusion he thought fitt to adjourn them unto the twentieth day of May next and the Assembly is hereby adjourned unto the twentieth day of May next accordingly.

[IN EXECUTIVE SESSION.]

Att a Councill held att Fort Anne in New Yorke this 9th day of July, 1708.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

RIP VAN DAM, }
 JOHN BARBERIE, } Esq^{rs}

ADOLPH PHILLIPS, Esq^r

Ordered, That Writts issue for the Election of a new Assembly to sitt att New Yorke Wednesday the 18th day of August next and the Writts to bear Date this Day, and a Proclamation to issue to DISSOLVE this Assembly

ELEVENTH ASSEMBLY FIRST SESSIONS.

Att a Council held att Fort Anne in New Yorke this 19th day of Aug^t, 1708.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

GERARDUS BEECKMAN, }
RIP VAN DAM, } Esq^{rs}
THOMAS WENHAM, }

ROGER MOMPESSEON, }
JOHN BARBERIE, } Esq^{rs}
ADOLPH PHILLIPS, }

The Sec^y having summoned the Assembly to appear before his Ex^{ty} in Council they attended accordingly and his Ex^{ty} recommended to them to go to their house and make Choice of a Speaker to be p^rsented to his Ex^{ty} to morrow att Eleven Clock

Att a Council held att Fort Anne in New Yorke this 20th day of August, 1708.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

GERARDUS BEECKMAN, }
RIP VAN DAM, } Esq^{rs}
THOMAS WENHAM, }

ROGER MOMPESSEON,
JOHN BARBERIE,
ADOLPH PHILLIPS.

The Sec^y having summoned the Assembly to appear they came accordingly & presented M^r Nicoll their Speaker whom his Ex^{ty} approved and all the members then present took the oaths & signed the Test and took and subscribed the abjuration oath

M^r Speaker desired the Priveledges of the house may be continued to them which his Ex^{ty} Told them should be preserved to them accordingly then his Excellency made the following speech to them

Gentlemen,

I Am glad to see so full an Appearance so early, especially at this Time, when the Country stands in the greatest Need of your Assistance.

The chief Things I have to recommend to the Consideration of you, Gentlemen, of the House of Representatives, at this Time, are these. *First*, I am in Duty to the Queen, obliged to put you in Mind, that her Majesty's Revenue in this Province, expires in May next : I don't doubt, but you will always take Care to provide for the Support of the Government. The Militia Act is already expired : I think it is absolutely necessary, to revive that Act, else it will be difficult to bring some People to do their Duty, in Case the Enemy should attempt any Thing against this Province.

In the Year 1703, Capt. Higby was sent up to Albany, with a Detachment for the Defence of the Frontiers, at a Time, when if that Care had not been taken, most, if not all the Out-Farms had broke up and retired into the Town. There was a Contract made with Mr. Hendrick Hansen, for subsisting those Men; he performed his Part; it is reasonable he should be paid; the Revenue is not able to bear it, and I hope, you will not leave that Burthen upon me.

In the Year 1705, the French Privateers so infested this Coast, that the Gentlemen of her Majesty's Council, were of Opinion with me, that some Vessels ought to be fitted out, to endeavour to take the Privateer, who had done the Mischief, and accordingly a Ship, a Brigantine and two Sloops, were fitted out, under the Command of Col. Peartree; several of the Merchants of this City, furnished Provisions and other Necessaries for that Expedition, who are not yet paid, and since the Safety of the Country and the Preservation of the Trade of this Province, were the only Causes of that Expence, I hope this Assembly, will think fit to raise a Fund to discharge that Debt.

The next Thing, which I most earnestly recommend, to the most serious Thoughts of you, Gentlemen, of the House of Representatives, is the Case of the Indians of the five Nations. The first Year I came into this Province, I gave the five Nations a large Present; since that Time, having received nothing from England for that Purpose, I have not been able to make them any Presents, and still expecting Presents from England for them, I avoided troubling the Assembly on this Subject; but now being well assured, that unless some Presents are given this Fall, we are in manifest Danger of losing some, if not all those five Nations, by the unwearied Endeavours of the French, who are continually making them Presents, and using of other

Endeavours to debauch them from us. I thought it an indispensable Duty upon me, to lay this before you, as a Thing of the greatest Consequence; I need not tell you, what unhappy Circumstances this and the neighbouring Provinces will labour under, if one of those five Nations of Indians, should leave the Interest of England and turn to the French; you are very good Judges of that Matter, therefore, I shall not enlarge further upon this Subject, only desire you will provide such a Sum, as you think proper to be laid out in Presents, for the five Nations, and the Schackock Indians.

I can't omit putting you in Mind, that the Act for encouraging a Post Office is expired; that is of so general Advantage, that I hope you will revive it.

I must observe to you, that in the Act for clearing and preserving publick common Highways, there is no Penalty upon the Overseers of the Highways, if they don't see them made according to the Directions of the Commissioners. I think an Act for that Purpose would be of good Use, and without it, I am afraid the Highways will never be laid out and made, as it was intended by the Act of Assembly they should.

These are the Things, I thought proper to recommend to your Consideration at this Time; if there is any Thing else, which you think ought to be provided for by a Law, you shall always find me ready to consent to any Thing, which may be for the Service of the Queen and the Good of the Country.

I think it proper to acquaint you, that Col. Redknap, her Majesty's Engineer, has been up at Albany with me, and has viewed the Frontiers; he has given me a Memorial of what he thinks absolutely necessary to be provided for at present, which Memorial, shall be laid before you for your Consideration.

There is one Thing I had almost forgot to mention, which is the Condition of a poor Soldier of this Garrison, whose name is Richard Davis; who lost his Arm on board the Triton's Prize; he has a Family of Children, and nothing to maintain them but his Pay; when he had his Limbs, he got something by his Work, but now he is not able to Work; if the Country would settle something upon him, it would be a very good Encouragement, to other People to venture their Lives and Limbs, in the Service of the Country, as often as Occasion should require.

I have nothing more to add at present, but to recommend to you Unanimity in your Proceedings, and Dispatch of such Matters before you, as you shall think fit to proceed upon.

Att a Councill held att Fort Anne in New Yorke this 24th day of Aug^t, 1708.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

PETER SCHUYLER,
GERARDUS BLEECKMAN,
THOMAS WENHAM,
KILLIAN VAN RENSLAER, } Esq^{rs}

ROGER MOMPESON, }
JOHN BARBERIE, } Esq^{rs}
ADOLPH PHILLIPS, }

Examination
of the Custome
house Officers

Ordered, that the following Examination of the Custome house officers be Entered in the minutes of this Board and that M^r Fauconnier have Copys thereof which deposicions follow & were taken at the request of M^r Fauconnier on M^r Byerley's refusing to make out the Complots sent by him to my Lord Treasurer ag^t M^r Fauconnier

MY LORD,

Q. Do you know att the day his Ex^{ty} gave his order to M^r Fauconnier to deliver the Custome house to M^r Byerley that it was delivered to him or when it was delivered to him?

A. M^r Carter on oath. I heard some discourse among the Custome house officers that M^r Fauconnier was att the Custome house to deliver it to M^r Byerley But M^r Byerley being not there, the Custome house was Lockt & the key Carryed away but by whom he knows not.

M^r Davis on oath. The key of the Custome house was in my Custody both then and before I was there a Saturday with M^r Fauconnier to deliver the Custome house att Two a clock, but M^r Byerley not coming I Lockt the door and took the key in my pocket & kept it till Monday when I opened the door again; then I beleivé the Custome house was delivered to M^r Byerley.

What do yo know of M^r Byerleys being att the Custome house the 1st of February and what did he say?

M^r Davis on oath. M^r Byerley told me that day he had an order for the Custome house and must have it that day.

M^r Sell on oath. M^r Byerley of a Saturday, but I don't remember the day of the month, came in his Chase to the Custome house and read his Ex^{ty}s order for the delivery of the Custome house to him and s^d that he must have it that day.

What do you know of any Books deliver'd or detained by M^r Fauconnier?

M^r Carter on oath. I came to the Custome house on Monday and found M^r Byerly and M^r Fauconnier talking about some Books but what Books were delivered I know not.

Mr Davis on oath. I heard Mr Fauconnier & Mr Byerley in the Custome house discoursing about some Books, that Mr Fauconnier said he would not deliver the Books without a receipt, that Just as I was going away I see Mr Fauconnier put them in his drawer and Lock it again and then went away.

Mr Chambers and Mr Fielding answer to the same effect that Mr Davis says.

Att a Council held att Fort Anne in New Yorke this 26th day of Aug^t, 1708.

PRESENT—

His Excellency EDWARD Viscount CORNBURY, &c.,

PETER SCHUYLER,
GERARDUS BEECKMAN, } Esq^{rs}
RIP VAN DAM,

KILLIAN VAN RENSLAER, } Esq^{rs}
JOHN BARBERIE,

A Message from the Assembly by Coll^o Cortlandt & Mr Hansen that the house of Representatives Desired his Lordship that an acco^t may be laid before them what the presents (proposed by his Ex^{ty} in his speech to them) are to consist of.

His Ex^{ty} told them he would ord^r an acco^t thereof to be Laid before them to morrow.

Att a Council held att Fort Anne in New Yorke, this 27th day of Aug^t, 1708.

PRESENT—

His Excellency EDWARD Viscount CORNBURY, &c.,

PETER SCHUYLER,
GERARDUS BEECKMAN, } Esq^{rs}
THO^s WENHAM,

KILLIAN VAN RENSLAER, } Esq^{rs}
JOHN BARBERIE,

His Ex^{ty} having sent to Command the Attendance of the Assembly & they being come accordingly he made the following speech to them vizt

Gentlemen,

On Thursday last, I received a Message from the House, by Mr. Hansen and Col. Cortlandt, by which the House signified their Desire, that an Account might be laid before them, what the Presents to the five Nations were to consist of. I would have sent you an Answer immediately, but I was not willing to trust to my own Judgment, in a matter of that Moment, but was willing to be informed by those, who understood those People better than I can pretend to do, and by the best Account I can have, the following List is what seems proper and necessary for the said Presents to each Nation.

50 Yards of Duffles, at 6s.	£. 16 17 6
One Piece of Stronds,.....	15 0 0
One Piece of Blankets,.....	13 10 0
One Barrel of Powder,.....	12 10 0
One Hundred weight of Lead,.....	8 0 0
50 Shirts,.....	15 0 0
10 Rolls of Tobacco and Pipes,.....	4 10 0
Rum, 10 Gallons and the Keggs,.....	8 10 0
Bread,.....	3 0 0
For small Things and Charges,.....	3 2 6
	<hr/>
	£. 100 0 0

So that the Presents to one Nation, amounting to One Hundred Pounds, the whole to the five Nations and the Schackock Indians, will amount to Six Hundred Pounds. I would not have given you the Trouble of coming hither, for this Answer to your Message, were it not that I have received a Remonstrance from the Magistrates, &c. of Albany, which I think absolutely necessary to be communicated to you.

I have likewise had some Memorandums sent me by some of the Inhabitants there, particularly, I am informed, that after the Six Hundred Pounds, directed to be levied by an Act, entitled, An Act for raising a Fund for the Defence of the Frontiers and other Uses, was expended, that not being sufficient for the Services to be performed, some of the Commissioners for Indian Affairs, and other Persons, did advance the farther Sum of Two Hundred Pounds, Six Shillings and Two-pence Farthing for the like Services. I think it my Duty to recommend to you, the raising a Sum sufficient to reimburse those Persons, who have so freely advanced their Money, for the Service of the Publick.

The next Thing I am earnestly pressed to recommend to you, is the raising a Fund for maintaining 150 Men, with their proper Officers, for the Year ensuing; I am afraid if some such Provision is not made, all the Out-Farms will break up.

I am likewise desired to recommend to your Considerations, the providing a Fund for Out-Scouts, Spies, and other incidental Charges at the Frontiers. Very frequently Indians are sent of Messages from the Sachems, to the Commissioners for Indian Affairs; these Messages always create some Charges more or less, and there is no Fund to support that, or the like Charges.

I cannot conclude, without recommending to your Consideration, the Case of Col. Schuyler, who by being very well known to all the Indians, is put to great Charges by their coming to his House, which they use as freely as if it were their own. I should be very glad if the Assembly would think fit, to make him some Allowance for those Charges: This, Gentlemen, is all I have to trouble you with at this Time.

Att a Council held att Fort Anne in New Yorke, this 3^d Septem^r, 1708.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

PETER SCHUYLER,
GERARDUS BEECKMAN, } Esq^{rs}
RIP VAN DAM,
THOMAS WENHAM,

ROGER MOMPESON, }
JOHN BARBERIE, } Esq^{rs}
ADOLPH PHILLIPS, }

His Ex^{ty} acquainted this Board he has this morning Received from the Assembly two Bills to which they Desire the Concurrence of this Board viz^t one Intituled, An Act for Reviving An Act of Gen^l Assembly Entituled, An Act for the Better Settling the Militia of this Province and making it more usefull for the security & Defence thereof.

Which Bill was read the first time & ordered to be read a second time.

One other Bill Entituled, An Act for the Encouragement of the *Post Office* within this Province.

Which Bill was read a first time & ordered to be read a second time.

The Petition of John Stevens read and ordered to lye on this Board.

M^r Fauconnier appearing according to order with his acco^t of the Revenue from the 25th of December 1706 to the First February 1707 and the Deputy Auditor delivering his objections to the said account to this Board, he desired M^r Fauconnier to sign the acco^t he gave him of the Revenue for the aforesaid time to which M^r Fauconnier said, he would sign it if it was the opinion of this Board he ought.

His Ex^{ty} having askt the Deputy Auditor if he had any other objections to make to M^r Fauconniers acco^t; he answered he had this objection to make, that M^r Fauconnier has not charged in his Last acco^t any salary to the Auditor Gen^l; to which M^r Fauconnier replies, that the Deputy Auditor did (so farr as he can rember) in the Latter end of the year 1706 informe him that M^r Blathwayt had made an alteration of his salary from £5 ^p cent to £150 sterling per ann att the Exchange of £30 ^p cent, which he says is the reason he has accounted with the Queen for what he did designe to pay the Auditor Gen^l for his fee of £5 ^p cent, and that he made no other Provision to pay it on any other foot than that £150 sterl ^p Ann as aforesaid; that he humbly conceives a Letter dated in Aprill 1707 could not effect his acco^t, he being superseded before.

As to that parte of M^r Byerley's Letter of complaint to my Lord high Treasurer against him relating to his nonpayment of Sallarys: M^r Fauconnier produced & read att this Board an acco^t of moneys rec^d and sallery's paid by M^r Byerley before his suspension and by himself afterward's when he was in office, whereby he makes it appear that both in Proportion of time and money rec^d, he has paid more sallery than M^r Byerley; whereon he desires the opinion of this Board.

M^r Fauconnier Informed this Board that he has offered to deliver the Recognisances in his hands to M^r Byerley provided he will secure to him the payment of the Ballance of his accounts which he has prov'd by a copy of a Lett^r from Coll^o Quarry to M^r Byerly attested by Coll^o Quarry & desired likewise the opinion of this Board concerning his detaining the Recognizances, considering there is a great Ballance due to him on his acco^t.

It is the opinion of this Board the matt^{rs} afores^d be reduced to proper heads whereon this Board may the better give their opinion.

Att a Council held att Fort Anne in New Yorke, this 7th day of Septembr, 1708.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

PETER SCHUYLER,
GERARDUS BEECKMAN, } Esq^{rs}
RIP VAN DAM,
THOMAS WENHAM,

KILLIAN VAN RENSLAER, }
ROGER MOMPESON, } Esq^{rs}
JOHN BARBERIE,
ADOLPH PHILLIPS,

The Bill Entituled, An Act for the Reviving An Act of Gen^l Assembly Entituled, An Act for the Better Settling the Militia of this Province and making it more usefull for the security and Defence thereof was read a second time & committed to the Gentl of this Board or any three of them.

The Bill Entituled, An Act for the Encouragem^t of the *Post Office* within this Province was read a second time & committed to the Gentl of this Board or any three of them.

His Ex^{ty} acquainted this Board that he had Two Messages from the house of Representatives this morning wth two Bills to which they Desire the concurrence of this Board viz^t

One Entituled, An Act for the more effectuall preservation of Deer & other Game & the destruction of wolves, wild catt^s & other vermin w^{ch} was read the first time & ord^{ed} to be read a 2^d time.

The other Entituled, An Act to prevent damages by swine in the County of West Chester, Queens County & the County of Richmond which was read the first time & ordered to be read a second time.

Att a Council held att Fort Anne in New Yorke, this 9th day of Septembr, 1708.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

PETER SCHUYLER, }
RIP VAN DAM, } Esq^{rs}
THO^s WENHAM,

ROGER MOMPESON, }
JOHN BARBERIE, } Esq^{rs}
ADOLPH PHILLIPS,

An Act to prevent Damages by Swine in the County of West Chester &c Read a second time & Committed to the Gent^l of this Board or any five of them.

An Act for the more effectuall preservation of Deer and other Game and the Destruction of wolves wild catt^s & other vermin read a second time & Committed to the Gent^l of this Board or any Three of them.

Att a Council held att Fort Anne in New York, this 10th of Septembr, 1708.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

PETER SCHUYLER, }
RIP VAN DAM, } Esq^{rs}
THOMAS WENHAM,

ROGER MOMPESON, }
JOHN BARBERIE, } Esq^{rs}
ADOLPH PHILLIPS,

His Ex^{ty} acquainted this Board that this morning he rece^d a Bill from the house of Representatives Entituled, An Act for suppressing of Immorality to which they desire the concurrence of this Board.

Which was read the first time and ordered to be read a second time.

Adolph Phillips Esq^r Chairman of the Committee to whom the Bill Entituled, An Act for the Encouragement of the Post house within this Province was committed Reported from the said Committee that they have gone through the said Bill and made some amendments thereto which he read in his place and afterwards delivered in att the Table where the same were read and agreed to and ordered to be read the Third time with the amendments and being read was past with the amendm^{ts}.

Ordered, that M^r Phillips do carry the said Bill with the amendments to the house of Representatives and acquaint them that this Board have agreed to the said Bill with some amendments to which they desire the concurrence of that house.

Rip van Dam Esq^r Chairman of the Committee to whom the Bill Entituled, An Act for the more Effectuall preservation of Deer and other Game and the destruction of wolves wild Catt^s & other vermin was Committed Reported from the said Committee that they have gone through the said Bill without any amendment.

Which Bill was read a Third time and ordered to pass.

Ordered, that Mr van Dam do acquaint the house of Representatives that this Board have agreed to the said Bill without any amendment.

Roger Mompesson Esq^r Chairman of the Committee to whom was Committed the Bill Entituled, An Act for Reviving An Act of Gen^l Assembly Entituled, An Act for the better Settling the Militia of this Province and making it more usefull for the security and defence thereof Reported from the said Committee that they have gone through the said Bill without any amendment.

But it being moved that the soll amendment should be made to the Bill it past in affirmative (viz^t soll 1st line 8 after the word [eight] & Before the word [and] insert these words [and till the end of the next Session of Gen^l Assembly which Bill with the amendment was read a Third time & past.

Ordered, that Mr Mompesson do carry the said Bill with the amendment to the house of Representatives and acquaint them that this Board have agreed to the said Bill with one amendment to which they desire the Concurrence of the said house.

Roger Mompesson Esq^r Chairman of the Committee to whom the Bill Entituled, An Act to prevent damages by Swine in the County of West Chester Queens County and the County of Richmond was committed Reported from the Said Committee that they have gone through the Said Bill without any Amendment which Bill was read a Third time & past.

Ordered, that Mr Mompesson do acquaint the house of Representatives that this Board have agreed to the Said Bill without any amendment.

Att a Councill held at Fort Anne in New Yorke this 11th day of Septembr, 1708.

PRESENT—

His Excellency EDWARD Viscount CORNBURY, &c.,

PETER SCHUYLER,
GERRADUS BEECKMAN, } Esq^{rs}
RIP VAN DAM,
THOMAS WENHAM,

ROGER MOMPESON, } Esq^{rs}
JOHN BARBERIE,
ADOLPH PHILLIPS,

The Bill Entituled, An Act for Suppressing of immorality was read a second time & Committed to the Gent of this Board or any five of them

His Ex^{ty} acquainted this Board that Mr Byerley has committed severall breaches of trust in respect to his office of Coll^r & Receiv^r Gen^l of this Province viz^t he has past in his acco^{ts} of the revenue Ending the 29th Septembr 1703 the sume of four pounds Thirteen shillings and nine pence half penny for his sallary more than was really due, that he received of Mr Sheppard the Sume of Twenty five pounds for rent for which he gave the Queen no creditt that he reced^d of John Cuyler Twenty Seaven Pounds for Quitt rents of the City & County of Albany for which he gave the Queen no creditt to prove the first his Ex^{ty} produced Mr Byerleys own acco^s; to prove the Second an affid^{ts} of Mr Sheppard of the payment of the money, to prove the third the acco^t of John Cuyler & Mr Byerleys own acco^s of Quitt rents whereby it appears that no creditt was given by Mr Byerley

His Ex^{ty} askt the Gent^s of this Board if they had thought of any method to oblige Mr Byerley to the obedience of the orders of this board and they gave their opinions as follows :

Mr PHILLIPS.

That Mr Byerley ought to be p^{rs}ent and give his reasons if any he has why he has disobeyed the orders of this Board and that the matter be Laid before my Lord High Treasurer before this Board proceeds any further.

Mr BARBERIE

That my Lord High Treasurer ought to be first acquainted with the matter before this Board does anything thereon.

Mr MOMPESON

He cannott move for the payment of Mr van Dam and Coll^o Schuyler's warrants till his own Sallary warrants are paid; that since Mr Byerley has refused to obey the ord^{rs} of this Board It ought to be represented to my Lord High Treasurer before this Board does anything therein

Mr WENHAM.

That Since the Gov^r & Councill have the power of disposing the Revenue and that Mr Byerley has refused to obey the orders of this Board relating thereto, the revenue ought to be put into other hands.

Mr van Dam Mr Beeckman Coll^o Schuyler of the Same opinion with Coll^o Wenham

His Ex^{ty}.

Her Maties Instructions being read concerning the disposall of the publick Revenue, and Mr Byerley having often disobeyed the repeated orders of this Board Concerning the payment of warrants drawn on the revenue, His Ex^{ty} is of opinion Mr Byerley be Suspended from the receipt of the revenue till her Maties pleasure or my Lord High Treasurers be known herein, and his Ex^{ty} declared that since my Lord Treasurer found fault with his former suspension, his Ex^{ty} would not Suspend him from his office but that 'tis his Ex^{ty} opinion that care ought to be taken that the receipt of the revenue be Lodged in other hands till her Maties and my Lord Trear be Informed thereof and her Maties pleasure be further known; that his Ex^{ty} shall pay all imaginable regard to my Lord High Trear or any other Lord Trear her Matie shall be pleased to appoint but since the Charges against Mr Byerley have so fully appeared, his Ex^{ty} is of opinion that it is for the interest of her Matie to order the receipt of y^e revenue into other safe hands.

The Question was put if Mr Byerley has disobeyed the orders of this Board or not?

Mr PHILLIPS,

Has had no experience of it.

Mr BARBERIE,

Has had no dispute with him because he has had no warrants.

Mr MOMPESON,

That it not appearing to this Board that Mr Byerley had rec^d money sufficient to pay sallary warrants unpaid, that he is not guilty of any contempt or Disobedience of this Board in not allowing Mr van Dams and Coll^o Schuylers warrants.

Coll^o WENHAM,

Twas the order of this Board that Mr Byerley should allow firewood warrants for customes entered by certain persons which he has refused to do, tho a Peremptory order of this Board was sent him to comply therewith; that he himself had a warrant on him preferable to all other warrants whatsoever, which he refused to allow and that therein he had disobeyed the orders of this Board.

Mr VAN DAM,

of the same opinion, saving as to the warrant payable to Coll^o Wenham.

Mr BEECKMAN,

of the same opinion with Mr van Dam.

Coll^o SCHUYLER,

of the same opinion with Mr van Dam.

His Ex^{ty},

That he has not only disobeyed the orders of this Board but that he has done it in the most contemptuous manner possible and that he has thereby as far as in him lay entirely destroyed & ruined the Credit of the Government.

Ordered, That the whole matter be Entered in the minutes of Councill and that such of the members of this Board as desire Copy's thereof may have them.

The Question was put whether Mr Byerley shall be att Liberty to keep in his hands all the rum that he has lately taken into the Custome house belonging to Mr van Dam for non payment of dutys or whether he shall only Detain such a Quantity thereof as amount to the Dutys of the said Rum, and whether Mr van Dam shall be lyable to any other further charge than the dutys of the said Rum and whether Mr van Dam shall have any consideration for the damage he may have sustained by Mr Byerleys taking and detaining the said Rum.

Mr PHILLIPS,

That the Rum which Mr Byerley has of Mr van Dam's in his hands is lyable only to the Dutys thereof and that he ought to detain thereof in his hands only so much as may be sufficient to pay the duty, that if Mr Byerley has any further demand on Mr van Dam he has his Remedy att Law and as to the damages and charges that does not lye properly before this Board.

Mr BARBERIE,

of the same opinion.

Mr MOMPESSEON,

That it does not Lye before this Board to make any order therein.

Coll^o WENHAM,

That he can detain no goods but for the Customes of the same goods; as for charges and damages it does not Lye before this Board.

Mr BEECKMAN,

of the same opinion with Mr Phillips.

Coll^o SCHUYLER,

of the same opinion with Mr Phillips.

His Ex^{ty},

That Mr Byerley ought to detain no merchants goods but for the dutys of those goods themselves and that he ought to detain no greater quantity thereof than may reasonably answer the same; that as to charges and damages that may be more Properly determined in another place then this.

His Ex^{ty} desired the Gent^s of this Board to recommend some fitt person to Receive and pay the Revenue according to the Queens Instructions and the usuall method of this Govern^t till the Queens pleasure shall be further known. Mr Phillips, Mr Barberie & Mr Mompesson desired to be excused recommending any person having given their opinion that the matter ought first to be Represented to my Lord High Treasr.

Coll^o Wenham, Mr van Dam, Mr Beeckman and Coll^o Schuyler named Coll^o De Peyster now the County Treasurer to be a proper person for that purpose which his Excellency approved of

Att a Councill held att Fort Anne In New Yorke this 13th of Septemb^r, 1708.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

PETER SCHUYLER,
GERARDUS BEECKMAN,
RIP VAN DAM,
THOMAS WENHAM,

} Esq^{rs}

KILLIAN VAN RENSLAER,
ROGER MOMPESSEON,
JOHN BARBERIE,
ADOLPH PHILLIPS,

} Esq^{rs}

His Ex^{ty} acquainted this Board that he has reced a Message from the house of Representatives acquainting them that the said house have agreed to all the amendments made by this Board to the Bill Intituled, An Act for the Encouragement of the Post house except the Last which this Board does not insist on

Ordered, that Mr Phillips do acquaint the house of Representatives that this Board does not Insist on the said Last amendment.

That his Ex^{ty} has Likewise reced a Message from the house of Representatives that they cannot agree to the amendment made by this Board to the Bill Entituled, An Act for reviving An Act of Gen^l Assembly Entituled, An Act for the better settling the militia of this Province and making it more usefull for the security and defence thereof w^{ch} amendment this Board does not Insist on

Ordered, that Mr Mompesson do acquaint the house of Representatives that this Board does not insist on the said amendment.

That his Ex^{ty} has Likewise Reced a message from the house of Representatives that they have past a Bill Entituled, An Act for encouragement of Whaling to which they desire the concurrence of this Board

Which Bill was read the first time and ordered to be read a second time

The Petic^on of Peter Fauconnier Esq^r was read praying his Ex^{ty} and Councill to give their opinion vpon the severall heads and Particulars following, viz^t.

Q As to the time it appear's that the Custom house was Delivered by said Comissioner to Tho^s Byerley Esq^r her Maties Coll^r here.

To which Question the following opinion was Proposed & read, viz^t.

That it appear's to us by the Evidence of severall officers of her Maties Custome house duely Sworne to declare the truth of w^t they knew on the premisses, that the key's of the Custome house were constantly kept by W^m Davis Clk & Searcher of her Maties Custom's here before and since Mr Byerley's returne into this Province and that on Saturday the first of February 170⁵ about two in the afternoon the Late Commiss^r Fauconnier went and called severall of the

officer's belonging to her Maties said Custome house cheifly the above s^d W^m Davis & brought them down to the Custome house in ord^r as said Commiss^r Declared to Deliver the Custome house to said Coll^o and Receiver Gen^l Thomas Byerley who had been that day Restored to his s^d office & whom he had appointed to come & Receive the same att two a Clock and that they having stayd and waited there a Considerable time Beyond three a clock for said Byerley and the officers having appointed that afternoon to meet on some private affairs of their own (every afternoon on Saturday's being the only time the Custome house officers have to themselves) & hearing nothing from M^r Byerley they then declared to Fauconnier they could not stay no Longer & so went away about their own Business wth the Custome keys, that on Monday morning foll. the s^d Commiss^r came to the Custome house & there Delivered the same to M^r Byerley.

Cl

M^r PHILLIPS

This Being a dispute between M^r Byerley and M^r Fauconnier M^r Fauconniers sending home the Depositions of the Custome house officers the matter of Fact will appear there and it ought to be left to that Determination.

M^r BARBERIE

That the Question and opinion now read to him contains the truth to the Best of his Remembrance.

M^r MOMPESSEON,

That the whole proceeding between M^r Byerley and M^r Fauconnier before this Board relating to her Maties Revenue be Laid before my Lord Trear for his Lordships Judgement & Directions therein Before this Board give any opinion or proceed any further thereon.

M^r RENSLAER,

of the same opinion with M^r Barberie.

M^r WENHAM,

That the Question & opinion contains the truth that undoubtedly the whole matter ought to be Laid before my Lord High Trear & this Board giving their opinion thereon does not hinder or impede its being so Laid before him.

M^r VAN DAM,

Was not then in Councill.

M^r BEECKMAN,

of the same opinion with M^r Wenham.

Coll^o SCHUYLER,

of the same opinion with M^r Wenham.

His Ex^{ty},

That the Question and opinion do contain the matter of fact and the truth and in order the more fully to Lay the matter before my Lord Trear the opinion of this Board is absolutely necessary.

Q. as to the detention of the Books & papers viz^t

Whether the same were Tendred by s^d Commiss^r to s^d Coll^r or no.

If they were about what time the same was done and w^t was the reason said Coll^r Did not Receive them.

Whether said Commiss^r had any privat good reason (Besides here above specifed) to detain his own Books & to detain it yet or no.

Whether said Commiss^r was Directed to keep those of s^d Coll^{rs} acco^{ts} or no & w^t were the reasons why said Coll^{rs} Books were so Left in to said Commissioners hands and recommended to his Custody & Care.

To which Question the following opinion was proposed and read viz^t

That about y^t time y^e s^d Commiss^r Brought to y^e Custome house sev^l Books of acco^{ts} relating to her Maties revenue here among w^{ch} Fauconn^r has offered to make oath that the Books relating to the acco^{ts} during M^r Byerleys management were that the s^d Fauconn^r offered to deliver the same to M^r Byerley provided only that he would give him a receipt for the same which M^r Byerley Refused Because the Book of acco^{ts} during the s^d Commiss^r own time were not among

the rest Fauconnier having said he could not deliver that Book before his acco^{ts} were stated & Mr Byerley Insisting yet on his Resolution to have it Fauconn^r Lockt them all up in a drawer there belonging to him as navall officer & came the next day to take them away and it has further appeared unto us that thes^d Books Being necessary to prove severall Breaches of trust committed by Mr Byerley publicly laid to his charge by his Ex^{ty} att this Board himself present the same were Left to the custody & care of s^d Fauconnier till the matter relating to those charges were entirely over.

A.

Mr PHILLIPS,

The same opinion as before on the former Question.

Mr BARBERIE,

That it agreeing with the minutes he beleives it contains the truth.

Mr RENSLAER,

The same opinion as on the other Question and opinion.

Mr WENHAM,

That the Question and opinion contains the matter of fact as it was proved to this Board.

Mr VAN DAM,

was not here that day.

Mr BEECKMAN,

of the same opinion with Mr Wenham.

Coll^o SCHUYLER,

of the same opinion that he was on the former Question and opinion.

His Ex^{ty},

That the Question & opinion contain the matter of Fact as it is proved to this Board.

Q. as to the Recognizances for Excises in said Comiss^{rs} hands yet unpaid.

W^t those Recognissances were by whom procured when and when payable and for w^t sume.

Whether said Commissioner gave credit for the same or no.

Whether said Comiss^r did any wrong hurt or prejudice to her Maties Credit or Interest here, by such credit & by advancing his owne money for the same.

Whether having given credit & advanced his own money for the same yet he offered to deliver them all to said Coll^r or no

Att what time it appears they were offered to be delivered by the Comissioner & Refused by the Coll^r

On what conditions they were offered to be delivered

Whether those conditions which it appears the Coll^r Refused were reasonable or no.

Whether those conditions refused said Commissioner was in equity entituled to keep those recognissances in his hands & to demand & receive the amount thereof or no, and

Whether the detention of these few recognissances did so affect that Branch of her M^{ties} revenue as to hinder Mr Byerley from receiving any other part of the Excises as is suggested by him or no.

Mr PHILLIPS

That when Mr Fauconnier was Supereceeded he ought to have delivered up all Books and papers relating to the revenue to him that Succeeded him that Mr Fauconnier was under no obligation to advance any money for the Publick that an order from Coll^o Quarry or this Board could not oblige Mr Byerley to pay to Mr Fauconnier what he pretends to be in advance for the Government

Mr BARBERIE

That Mr Fauconnier not knowing when he was to be supereceeded and having advanced his own money for the credit of the station he was in that he was Entituled to detain those recognissances on account of what was due to him by the Queen.

Mr MOMPRESSON

Of the Same opinion as he was on the first Question.

Mr RENSLAER

Of the Same with Mr Barberie

Mr WENHAM

That Mr Fauconnier being in advance for the Queen in the Execution of his office and having placed those recognizances to the Credit of the Queen & Mr Byerley refusing to secure him what the Queen might be Indebted to him his detaining those recognizances was no prejudice to the Queen nor any body else but for his own Security

Mr VAN DAM

Was not here that day

Mr BEECKMAN

Of the same opinion with Mr Wenham

Coll^o SCHUYLER

Of the same opinion with Mr Wenham

His Ex^{ty}

That when any accountant has advanced his money for the service of the Crown and is to be removed from his office he ought to be reinburst what he had so advanced and that Mr Fauconniers having past all those recognizances to the credit of the Queen in his acco^s those recognizances were become his property & that the detaining of them in his hands could be no prejudice to the Queen nor to any other person whatsoever nor be any hinderance to M Byerley's receiving any other parts of that Branch of her Maties revenue

Q. As to the Bonds due to her Mäty said to have been Detained & Received by said Fauconnier even after said Coll^{rs} Restoration since Paid Mr Byerley instead of offering to prove his charge, as he has been chalenged to do has so farr declined the Jurisdiction and authority of this Honöble Board as to refuse to produce any proofs of any of his charges against the Commissioner and to answer to any Question made to him in relation thereunto yet that nothing remains in the Dark yo humble Pet^r humbly prays for the opinion of this Honöble Board &

Whether it appears that Said Commiss^r has kept detained or received any besides those he was intituled to receive which became due & for which he gave credit to her Mäty Long before said Coll^{rs} returne, or no &

What is the Deputy Auditors opinion & knowledge thereon

A

Mr PHILLIPS

That Since Mr Byerley has charged Mr Fauconnier with Detaining Bonds & receiving Some of the money thereon Since he was Restored it Lyes on him to make it out before my Lord Treär

Mr BARBERIE

it does not appear that Mr Fauconnier has Detained any Such Bonds nor received any money thereon

Mr MOMPESON

Of the same opinion as on the first Question

Mr RENSLAER

Was not in Councill when this matter was Examined

Mr WENHAM

That Mr Byerley's charge against Mr Fauconnier on this head is frivolous no such thing appearing to this Board & being summoned to Informe this Board what he knew of that matter The answer which he put in writing is a contempt of this Board.

Mr VAN DAM

That Mr Byerley's answer in writing is a contempt of this Board and that no such fact appears against Mr Fauconnier as his having any such Bonds

Mr BEECKMAN

of the same opinion with Mr Van Dam

Coll^o SCHUYLER

of the same opinion with M^r Barberie

His Ex^{ty}

That M^r Byerley's Complaint to my Lord Trear against M^r Fauconnier on this head is frivolous & groundless, and that his answer in writing formerly Delivered to this Board is not only a contempt of this Board But of her M^{ties} authority in this Government

Q. As to the arrears of Sallaries said to be Left due by the Comiss^r to the Chiefe Justice and most of the officers that receives sallaries and as to w^t has been offered by the C^omiss^r in answer thereunto.

Whether M^r Byerley Left some arrears due to said Chiefe Justice the late Attorney Gen^l Broughton & when he was suspended or no.

Whether the Commissioner Fauconnier Received in proportion of time Less than the Coll^r M^r Byerley or no. and yet

Whether it appears that he paid more on Sallaries than M^r Byerley both in Proportion of their severall receipts and of the time they both acted or no.

A

M^r PHILLIPS

That since M^r Byerley and M^r Fauconnier have both Transmitted their acco^s of the revenue to my Lord Trear the matter of Fact will appear to his Lordship to whom he submits it

M^r BARBERIE

That it appears by the acc^s Laid before this Board by M^r Fauconnier that both in Proportion of time & money rec^d he has paid more Sallary than M^r Byerley

M^r WENHAM

Of M^r Barberies opinion

M^r VAN DAM M^r BEECKMAN Coll^o SCHUYLER

Of the same opinion with M^r Barberie

His Ex^{ty}

That M^r Fauconnier made it out very plain to this Board that both in respect of money rec^d and point of time he paid more sallary warrants during his administrac^on then M^r Byerley did in his

Q. As to the objections made by the Deputy auditor George Clarke Esq^r to said Commissioners acco^s

Whether said Deputy auditor has declared that he has no more objections to make on either part of any of said Comiss^s & Quarterly acco^s both as to the charge and the Discharge than he has already given in writing or no and

Whether any of said objections has appeared to be in any manner reasonably grounded or no with a short acco^t of the nature & particulars thereof

A

M^r PHILLIPS

That this relating to her M^{ties} revenue conceives it is altogether within the Province of my Lord High Trear, and that he will not undertake to Determine that matter.

M^r BARBERIE

That it appearing to this Board that w^t M^r Fauconnier has paid has been by warrants according to her M^{ties} Instructions produced by his Ex^{ty} to this Board has been regularly paid.

M^r RENSLAER

Was not here when that matter was Examined.

M^r WENHAM

That the warr^{ts} M^r Fauconnier has paid were pursuant to her M^{ties} Instructions are well paid, and ought to be allowed him considering the same have Been allowed to others before.

Mr VAN DAM Mr BEECKMAN Coll^o SCHUYLER

of the same opinion with Mr Wenham.

His Ex^{ty}

That Mr Fauconnier having paid no parte of the revenue but by vertue of warr^{ts} signed by Gov^r in Councill has acted regularly and ought to be allowed the same till her Matie is pleased to signify her pleasure, that the methods always in Practice to this day should be altered and that the Disallowing warrants so regularly granted & paid must Tend to the Destroying the Credit of the Government.

Q. As to the reasons why the Comm^{rs} 8: sev^l Quarterly acco^{ts} have remained unaudited to this day.

What reasons have appeared to this Hon^{ble} Board to be y^e cause & occasion thereof.

If the nonpayment of the Hon^{ble} William Blathwaits Esq^r Fees as audit Gen^l which has been said to be the only cause thereof has been in reality so or no.

W^t it is that has appeared said Comiss^{rs} could be Justly charged with to discharge & fully Ballance the said whole Fees or Sallaries to the first day of February 170⁹ that he was superceded.

Whether said commissioner could reasonably be charged with a farthing more on that head or no with the reasons thereof.

Whose faulte then it appears it is that those 8: severall Quarterly acco^{ts} nor any one of them have not yet been duly audited as they ought to be th^o Mr Blathwaiths Fees had been all paid according to his owne Directions sent your Ex^{ty} long before the first of Feb^r 170⁹.

Mr PHILLIPS

That Mr Fauconnier and the Deputy aditor oughte to Represent this matter home which is the proper place to Determine it.

Mr BARBERIE

That since M Blathwaith gave an order for altering his sallary which was signified to Mr Fauconnier by Mr Clarke it ought to be a good order in this Country being to reduce the sallary from more to Less and he having obeyed Mr Bathwaiths orders that it is very reasonable that his acco^{ts} ought to be so audited.

Mr MOMPESON

Gives the same answe^r as to the first Question.

Mr RENSLAER

Says he was not here when the matter was first debated.

Mr WENHAM

That Mr Blathwaiths Fees ought to be accounted for according as Mr Blathwaith signified to his Ex^{ty} in his Letter & as the Deputy auditor acquainted Mr Fauconnier with, that he sees no reason for the Deputy auditors refusing to auditt the acco^{ts} according to that method.

Mr VAN DAM

of the same opinion with Coll^o Wenham.

Mr BEECKMAN

of the same opinion with Mr Barberie.

Coll^o SCHUYLER

of the same opinion with Coll^o Wenham.

His Ex^{ty}

That the audit^r Gen^ls Fees ought to be accounted for according as he had writt to his Ex^{ty} in his Letter and if the accounts had been produced before his Ex^{ty} in any other method he should not have allowed them and his Ex^{ty} is further of opinion that whenever the Revenue in any Quarter shall so farr fall short as not to Leave sufficient to answe^r the audit^r Gen^ls sallary that is no sufficient reason for the Deputy auditor to refuse to auditt those accounts but that the said sallary ought to be answered out of the next or some other subsequent Quarter.

Q. As to the Ballance of said commissioners 8: Quarterly acc^{ts} from the 17th day of Aprill 1705 to the first day of February 170⁶.

Whether said commissioner appears to be Indebted to her M^{tie} for or on the Last & finall Ballance of said acco^{ts} or no.

If he doth w^t he is Indebted for.

If he is not whether her M^{tie} appears to be Justly Indebted to him or no.

If her M^{tie} appears indebted, what it is she is Indebted for.

A.

M^r PHILLIPS

That since the Deputy auditor who he takes to be the proper person has made severall objections both to the charge and Discharge of M^r Fauconniers acco^t is of opinion that both ought to be Transmitted to my Lord High Treas^r who he takes to be the sole Judge thereof for that it relates to her M^{ties} Revenue of this Province.

M^r BARBERIE

That M^r Fauconniers acco^{ts} produced by him att the Board are right and that there is due to him by the Queen to Ballance the same the sume of six hundred Eighty five Pounds one shilling Eleven pence farthing after Deducting Ten Pounds by him paid to M^r Laborie and fifty nine Pounds sixteen shillings for Candles furnisht for the Garrison for which he has had no warrants.

M^r MOMPESON

Gives the same answer as to the first Question.

M^r RENSLAER

Was not here when this matter was Debated before.

Coll^o WENHAM

Of the same opinion with M^r Barberie with respect to the Ballance of the acco^{ts} and is further of opinion that the severall objections made by the Deputy audit^r to the Discharge of M^r Fauconniers acco^{ts} in Relation to firewood wood warr^{ts} is of a Dangerous consequence to this Province that he thinks himself obliged to declare the same to this Board fearing the Consequences that may Ensue by the Desertion of the forces from the Garrisons of this Province.

M^r VAN DAM M^r BEECKMAN Coll^o SCHUYLER

Of the same opinion with Coll^o Wenham.

His Ex^{ty}

That M^r Fauconnier has made it plainly appear by his accounts that there is a Ballance due to him from her M^{tie} of Six hundred Eighty five Pounds one Shilling Eleven Pence farthing after deducting Ten Pounds by him paid to M^r Laborie and fifty nine Pounds sixteen Shillings for Candles by him Furnisht for the Fort out of the former Ballance of seven hundred fifty four Pounds seventeen Shillings Eleven Pence one farthing he not having obtained warrants for the said two sumes and his Ex^{ty} is further of opinion that the objections made by the Deputy Auditor to the payment of firewood warrants and the Coll^{rs} refusing to pay the same have been the only reason why that service has been refused to be performed by every Body which he fears will be attended with the desertion of most if not all the soldiers now in Pay.

Q. As to the Recognizances still unpaid in s^d Commiss^{rs} hands.

Whether the Commissioner Fauconnier having kept those Recognizances after credit first given for so much on acc^t of w^t was due to him by her M^{tie} & having been hindered to Demand and receive the same he is intituled to do it now that it plainly appears he has so much to Demand from her M^{tie} as he offered to prove it as soon as superceeded or no.

Whether there being so much due to the commissioner for Ballance from her M^{tie} he having offered before he was superceeded to take those Recognizances in part thereof for so much as was due on them by the credit he gave for the same he having since been hindred to demand and Receive the amount thereof he having offered to deliver them all to the Coll^r M^r Byerley in February 170⁶ Said Coll^r having refused to receive the same on the conditions offered by said Commissioner th^o Reasonables (viz) that w^t should appear to be Due to him to Balance his Last acco^t might be secured and paid him he is to be accountable now for more than he can Receive on said Recognizances or no and Lastly

Whether the Coll^r M^r Byerley having been the only cause M^r Fauconnier was Prohibited receiving those Recognizances th^o so Justly his owne property by a Proclamation solicited & procured by him into Gen^l words & having refused att the same time to receive all the s^d Recognizances securing only that w^t should be due to said Commissioner Fauconnier on the

stating of his Last and final acco^{ts} should be paid him he is not Justly answerable to sd Fauconnier & her M^{ty} for any such part thereof that is become Insolvent since February 170⁹ or no.

A.

M^r PHILLIPS

Of the same opinion he was on the Third Question.

M^r BARBERIE

That since it appears by M^r Fauconniers acco^{ts} that there is a considerable Ballance due to him that the Recognizances do belong to him as his property and that if there be any Loss upon those Recognizances by M^r Byerley's refusall to give him a power to receive the same that M^r Fauconnier ought not to Lose it.

M^r MOMPESSEON

Referr's to his answer on the first Question.

M^r RENSLAER

Was not here when this matter was debated.

M^r WENHAM

That there being a considerable Ballance due to M^r Fauconnier notwithstanding he has given the Queen credit for these Recognizances is of opinion he ought to be Impowered to receive them that if there be any loss by reason of their Lying so long that he ought to be allowed the same.

M^r VAN DAM

Of the same opinion with M^r Wenham.

M^r BEECKMAN

Of the same opinion with M^r Barberie.

Coll^o SCHUYLER

Of the same opinion with Coll^o Wenham.

His Ex^{ty}

That since there does appear to be a considerable ballance due to M^r Fauconnier upon his Gen^l acco^t and that he has given Credit to the Queen for those very recognizances now in dispute 'tis highly reasonable he should be impowered to receive the same and that if any deficiency has happened on acco^t of the said Recognizances since the time M^r Byerley refused to receive the same on the Termes proposed M^r Fauconnier ought to be considered for it.

Question

If M^r Fauconnier Late Commissioner for Executing the office of Coll^r & Receiver Gen^l of this Province has duely accounted with & rendred to her M^{ty} as far as in him Lay a Just and true account of all sūmes of money by him recēd upon any Branch of her M^{ties} Revenue in this Province and has well & truly performed such things as a Commissioner appointed to execute the said office is Bound in duty to performe.

M^r PHILLIPS

That since in the opinions he has given to severall Questions he has referred the same to my Lord High Trear he does now the Like upon the whole with this addition that the whole proceedings therein with the respective opinions on the same ought to be Transmitted to his Lordship for his final judgement thereon.

M^r BARBERIE

That by all that has appeared to this Board from M^r Fauconnier concerning his acco^{ts} as Comiss^r for Executing the office of Coll^r & receiv^r Gen^l of this Province that he has duely Performed his office.

M^r MOMPESSEON

This Question depending upon the severall particulars in this matter all which he has humbly submitted to the Judgement & direction of my Lord High Trear he does the same in this also.

Mr RENSLAER

Was not here att the examination of this matter.

Coll^o WENHAM

That by all that has appeared to this Board upon the Examination of Mr Fauconniers acco^t nothing has appeared but that he has discharged the trust reposed in him as a good officer.

Mr VAN DAM

That Mr Fauconnier having produced warr^{ts} & vouchers for every article of his acco^t he has discharged himself as a good officer.

Mr BEECKMAN

Of the same opinion with Mr van Dam.

Coll^o SCHUYLER

Of the same opinion with Mr van Dam.

His Ex^{ty}

That Mr Fauconnier in the Execution of his office of Commissioner for Executing the office of Coll^r & Receiv^r Gen^l of this Province has discharged his duty with fidelity.

Mr Fauconnier moving for a Proclamation Enabling him to receive the money due on Recognizances remaining in his hands.

Mr PHILLIPS

That it ought not to be, for the granting it, it would be contradictory to his first opinion.

Mr BARBERIE

That this matter ought to be first decided att home.

Mr MOMPESON

Of the same opinion with Mr Barberie.

Mr RENSLAER

Of the same opinion with Mr Barberie.

Mr WENHAM

That his Ex^{ty} ought to impower him to receive them for in the condition they now are they may be Lost & come to nothing.

Mr VAN DAM

Of the same opinion with Mr Wenham.

Mr BEECKMAN

Of the same opinion with Mr Wenham.

Coll^o SCHUYLER

Of the same opinion with M Wenham.

His Ex^{ty}

That Mr Fauconnier ought to be Impow^{er}ed to receive the money due on those Recognizances for these reasons first, because having given credit to the Queen for them his Ex^{ty} looks upon them to be properly due to him and not the Queen; Secondly, because if not soon received they may be intirely Lost and the debt from the Queen to the s^d Fauconnier become greater than it need be and this his Ex^{ty} looks upon to be no damage to the interest of the Queen because the s^d Fauconnier is still under security to her M^{tie}.

Ordered, that a Proclamation be prepared accordingly.

Att a Council held att Fort Anne in New Yorke this 15th day of Septem^r, 1708.

PRESENT—

His Excellency EDWARD Viscount CORNBURY, &c.,

PETER SCHUYLER,

RIP VAN DAM,

THO^s WENHAM,

KILLIAN VAN RENSLAER,

} Esq^{rs}

ROGER MOMPESON,

JOHN BARBERIE,

ADOLPH PHILLIPS,

} Esq^{rs}

The Bill Entituled, An Act for the Encouragement of Whaling was read the Second time & Committed to the Gent of this Board or any five of them.

Att a Council held att Fort Anne in New Yorke this 16th day of Septem^r, 1708.

PRESENT—

His Excellency EDWARD Viscount CORNBURY, &c.,

PETER SCHUYLER,

THOMAS WENHAM,

KILLIAN VAN RENSLAER,

} Esq^{rs}

ROGER MOMPESON,

JOHN BARBERIE,

} Esq^{rs}

Thomas Wenham Esq^r Chairman of the Committee to whom the Bill Entituled, An Act for Encouragement of Whaling was Committed Reported from the Said Committee that they have gone through the Said Bill without any amendment.

Which Bill was read a Third time & ordered to pass.

Ordered, that Coll^o Wenham do acquaint the house of Representatives that this Board have agreed to the s^d Bill without any amendment.

John Barberie Esq^r Chairman of the Committee to whom the Bill Entituled, An Act for Suppressing of Immorality was Committed Reported from the s^d Committee that they have [gone] through the Said Bill without any amendment.

Which Bill was read a Second time & ordered to Pass.

Ordered, that John Barberie Esq^r do acquaint the house of Representatives that this Board have agreed to the s^d Bill without any amendment.

Mr Mompesson acquainted this Board that he has acquainted the house of Representatives that this Board does not insist on the amendment to the Bill Entituled, An Act for reviving An Act of Gen^l Assembly Entituled, An Act for the Better Settling the militia & making it more usefull for the security & defence thereof

Att a Council held at Fort Anne In New Yorke this 17th day of Septembr, 1708.

PRESENT—

His Excellency,

PETER SCHUYLER,

RIP VAN DAM,

THO^s WENHAM,

} Esq^{rs}

KILLIAN VAN RENSLAER,

ROGER MOMPESON,

JOHN BARBERIE,

ADOLPH PHILLIPS,

} Esq^{rs}

His Ex^{ty} Informed this Board that he has reced a Message from the house of Representatives that they have past a Bill Entituled, An Act for raising a fund for presents to the five nations & for the Defence of the frontiers to which they desire the Concurrence of this Board which Bill was read the 1st time & ordered to be read a second time

Mr Phillips Informed this Board that yesterday they had a Conference with the house of Representatives Concerning the Regulation of the Coin & Delivered their Resolutions thereon to his Ex^{ty}

His Ex^{ty} Informed this Board that he has reced a Message from the house of Representatives that they have past a Bill Entituled, An Act to releive this Collony from diverse Irregularities and Extortions which Bill was read the 1st time & ordered to be read a second time

*Att a Council held att Fort Anne in New Yorke, this 17th day of Septemb^r, 1708,
at 4 in the Afternoon.*

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

PETER SCHUYLER,
RIP VAN DAM,
THO^s WENHAM,

} Esq^{rs}

KILLIAN VAN RENSLAER,
ROGER MOMPESON,
JOHN BARBERIE,

} Esq^{rs}

The Bill Entituled, An Act for raising a fund for presents to the five nations and for the defence of the Frontiers was read a second time & Committed to the Gent. of this Board or any five of them.

Att a Council held att Fort Anne in New Yorke, this 18th day of Septemb^r, 1708.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

PETER SCHUYLER,
THOM^s WENHAM,
K. V. RENSLAER,

} Esq^{rs}

ROGER MOMPESON,
JOHN BARBERIE,

} Esq^{rs}

Mr Wenham Reported from the Committee to whom the Bill Entituled, An Act for raising a fund for p^rsents to the five nations & for the defence of the Frontiers was committed that they have gone through the said Bill without any amendment.

Which Bill was read a Third time and past.

Mr van Dam took his place.

The house of Representatives attending his Ex^{ty} according to the Message sent them his Ex^{ty} gave his assent to and past these following Bills Enacting the same & ordering them to be enrolled viz^t

1. An Act for the more Effectuall preservation of Deer & other Game & the Distruction of Wolves wild Catts & other vermine.
2. An Act to prevent Damages done by Swine in the County of West Chester Queens County & the County of Richmond.
3. An Act for the Encouragement of the *Post Office* within this Province.
4. An Act for reviving, An Act of Gen^l Assembly Entituled, An Act for the better Settling the Militia of this Province & making it more usefull for the Security & Defence thereof.
5. An Act for Encouragement of Whaling.
6. An Act for Suppressing of Immorality.
7. An Act for raising a fund for the five nations & for the Defence of the Frontiers.

Att a Council held att Fort Anne in New Yorke, this 22th of Septemb^r, 1708.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

RIP VAN DAM,
THOMAS WENHAM,
ROGER MOMPESON,

} Esq^{rs}

JOHN BARBERIE,
ADOLPH PHILLIPS,

} Esq^{rs}

His Ex^{ty} acquainted this Board that he has Recēd a Message from the house of Representatives that they have past a Bill Entituled, An Act for the Explaining An Act Entituled, An Act for the laying out Regulating cleering & preserving Publick Common highways throughout this Colony which was read the first time & ordered to be read a second time.

And also a Bill Entituled, An Act for reviving, An Act of Gen^l Assembly of this Province Entituled, An Act against forging Counterfeiting and Clipping of Forreign Coin which is Currant money in the Collony of New Yorke to which they also desire the concurrence of this Board.

Which Bill was read the first time & ordered to be read a second time.

Att a Council held att Fort Anne in New Yorke, this 23^d of Septemb^r, 1708.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

GERARDUS BEECKMAN, }
RIP VAN DAM, } Esq^{rs}
THOMAS WENHAM, }

JOHN BARBERIE, }
ADOLPH PHILLIPS, } Esq^{rs}

His Ex^{ty} Informed this Board that he has Reced a Message from the house of Representatives that they have past a Bill Entituled, An Act to Enable the Supervisors of Queens County to repair or to Rebuild a County hall and Common Goale for the Said County

wh^{ch} Bill was read the first time & ordered to be read a Second time

The Bill Entituled, An Act for the Reviving An Act of the Gen^l Assembly of this Province Entituled, An Act against forging Counterfeiting & Clipping of forreign Coin which is Currant money in the Collony of New Yorke was read a Second time and Committed to the Gent^s of this Board or any Three of them.

The Mayor the Citty of New Yorke presented a Petition against the reading the second time a Bill Entituled, An Act for the Explaining An Act for the laying out regulating Cleering & preserving Publick common highways through out this Colony till the Petitioner be heard by his Council.

Ordered, that the Mayor Aldermen & Comonality of the said Citty be heard by their Council to morrow morning on the Said Petition

Att a Council held att Fort Anne in New Yorke this 24th day of Septemb^r, 1708.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

RIP VAN DAM, }
THOMAS WENHAM, } Esq^{rs}

ROGER MOMPESON, }
JOHN BARBERIE, } Esq^{rs}

Rip van Dam Esq^r Chairman of the Committee to whom was committed the Bill Entituled, An Act for Reviving An Act of Gen^l Assembly of this Province Entituled, An Act against forging Counterfeiting and Clipping of Forreign Coin which is Currant money in this Colony of New Yorke Reported from the said Committee that they have gone through the said Bill without any amendment which was read a Third time and past

Ordered, that Rip van Dam Esq^r do acquaint the house of Representatives that this Board have agreed to the Said Bill without any amendment

The Bill Entituled, An Act to Enable the Supervisors of Queens County to repair or to rebuild a County hall & Comon Goal for said County was read a Second time & committed to the Gent^s of this Board or any three of them.

His Ex^{ty} acquainted this Board that yesterday he reced a Message from the house of Representatives that they have past a Bill Entituled, An Act for the regulating & preventing the Corruption of the Curr^t Coin which was read the first time & ordered to be read a second time.

The Mayor Aldermen & Comonalty of the Citty of New Yorke having been heard by their Council against the Bill Entituled, An Act for the explaining An Act Entituled, An Act for the laying out regulating clearing & preserving Publick Comon highways thro^u out this Colony

The Question was put wether the said Bill should be read a Second time or no & was carryed in the affirmative & being read a second time is Committed to the Gent^s of this Board or any three of them.

Att a Council held att Fort Anne in New Yorke this 27th day of Septemb^r, 1708.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

GERARDUS BEECKMAN, }
RIP VAN DAM, } Esq^{rs}
THOMAS WENHAM, }

JOHN BARBERIE, }
ADOLPH PHILLIPS, } Esq^{rs}

The Bill Entituled, An Act for the regulating & preventing the Corruption of the Currant Coin was read a Second time & committed to the Gent^s of this Board or any three of them.

The Bill Entituled, An Act to relive this Collony from diverse Irregularitys and Extortions was read a second time & Committed to the Gent^s of this Board or any Three of them.

In regard neither of her Maties men of warr attending in this Province are now fitt to proceed to Sea it is

Ordered, that M^r Van Dam do this afternoon acquaint the house of Representatives therewith and also how necessary it is that att this time some vessells should be sent out in pursuit of the Privateer on this Coast and propose to the house that they will pass a vote for the payment of the hire of two Sloops (which now Lye clean in the port) to be sent out on that Service and also that the owners may be secured of payment of the s^d vessells in case they be Lost or for what Damage may be done on Board them

Att a Council held att Fort Anne in New Yorke, this 28th day of Septemb^r, 1708.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

RIP VAN DAM, }
THO^s WENHAM, } Esq^{rs}

JOHN BARBERIE, }
ADOLPH PHILLIPS, } Esq^{rs}

His Ex^{ty} Informed this Board that he has rec^d a Message from the house of Representatives that they have past a Bill Entituled, An Act for the better inforcing Certain Covenants relating to the Ferry to New Yorke which Bill was read the first time & ordered to be read a second time.

His Ex^{ty} acquainted this Board that the house of Representatives have resolved to raise a fund sufficient for the hire &c of two sloops to Endeavour to take the Privateer on the Coast.

Att a Council held att Fort Anne in New Yorke, the 29th day of Septemb^r, 1708.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

THOMAS WENHAM, }
JOHN BARBERIE, } Esq^{rs}

ADOLPH PHILLIPS, Esq^r

His Ex^{ty} acquainted this Board that he has rec^d a Message from the house of Representatives that they have Past a Bill Entituled, An Act for the Better Settlement and assurance of Lands in this Colony which was read the first time & ordered to be read a second time.

Att a Council held att Fort Anne in New Yorke, this 30th of Septemb^r, 1708.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

GERARDUS BEECKMAN, }
THO^s WENHAM, } Esq^{rs}
ROGER MOMPESON, }

JOHN BARBERIE, }
ADOLPH PHILLIPS, } Esq^{rs}

The Petic^{on} of M^r George in behalf of M^r Brett ag^t reading the second time the Bill Entituled, An Act for the better settlement & assurance of Lands in this Colony till he be heard thereon by his Council being read M^r Bickley Council for the Pet^r was heard thereon and the Question being put

Whether the said Bill should be read a second time?

It past in the affirmative &

The said Bill being read a second time is Committed to the Gent^l of this Board or any Three of them.

The Petic^{on} of James Harding against passing the Bill Entituled, An Act for the Better inforcing certain Covenants relating the Ferry to New Yorke was read and the Bill being read a second time & Council heard on the said Petition the Question was put

Whether the said Bill should be Committed?

It past in the negative; then

The Question being put if the sd Bill be rejected?

It past in the affirmative.

Att a Council held att Fort Anne in New Yorke, this first day of Octob^r, 1708.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

GERARDUS BEECKMAN, }
RIP VAN DAM, } Esq^{rs}
THOMAS WENHAM, }

ROGER MOMPESON, }
JOHN BARBERIE, } Esq^{rs}
ADOLPH PHILLIPS, }

Roger Mompesson Esq^r Chairman of the Committee to whom the Bill Entituled, An Act for the better regulating and preventing the Corruption of the Currant Coin was Committed reported from the said Committee that they have gone through the sd Bill & made some amendments thereto which he read in his place & afterwards delivered in att the Table where the same were read & agreed to and the Bill with the amendments

Ordered, to be read a Third time & being accordingly read was past with the amendments.

Ordered, that M^r Phillips do carry the said Bill to the house of Representatives and acquaint them that this Board have agreed to the said Bill with some anend^{ts} to which they desire the Concurrence of that house.

Adolph Phillips Esq^r Chairman of the Committee to whom the Bill Entituled An Act to Enable the Supervisors of Queens County to repair or to rebuild a County hall & Common Goal for the said County was Committed reported from the said Committee that they have gone through the said Bill without any amendment which bill was ordered to be read a Third time and being read accordingly was past.

Ordered, that Adolph Phillips Esq^r Do acquaint the house of Representatives that this Board have agreed to the sd Bill without any amendment.

Adolph Phillips Esq^r Chairman of the Committee to whom the Bill Entituled, An Act for the Explaining An Act Entituled An Act for the laying out cleering & preserving Publick Comōn highways through out this Collony was Committed reported from the said Committee that they have gone through the said Bill & made some amendments thereto which he read in his place and afterwards Delivered in att the Table where the same were read & agreed to by the Board.

Ordered, that the said Bill with the amendments be read a third time & being accordingly read is past with the amendm^{ts}

Ordered, that M^r Phillips do carry the said Bill with the amendments to the house of Representatives & acquaint them that this Board have agreed to the sd Bill with some amendments to which they desire the Concurrence of that house.

Adolph Phillips Esq^r Chairman of the Committee to whom the Bill Entituled, An Act for the Better Settlement & assurance of Lands in this Colony was Comited Reported from the sd Committee that they have gone through the said Bill & made some amendments thereto which he read in his place & afterwards Delivered in att the Table where the same were read and agreed to by the Board.

And it being proposed to make some amendm^{ts} to the said Bill the following amendments were made viz^t fol 1st Line the last after the word [*notwithstanding*] insert these words [saving neverthelesse all manner of right to her M^{tie} her heirs & successors] fol 2^d Line 19 after the word [*being*] insert these words [and Transmitted to the Secrys office according to the direction of An Act past in the year 1683 Entituled, An Act to prevent frauds in Conveyaneing of Lands.

fol 2^d Line the Last after the word Court add these words [oath being made that such originall Deed or Deeds Conveyance or Conveyances and writings having Been casually or accidentally destroyed or Lost] this Board having made the said amendments to the said Bill the same with the amendments was read the third time and past with the amendments.

Ordered, that Adolph Phillips Esq^r do carry the said Bill with the amendments to the house of Representatives and acquaint them that this Board have agreed to the said Bill with some amendments to which they desire the Concurrence of that house.

Roger Mompesson Esq^r Chairman of the Committee to whom the Bill Entituled An Act to relieve this Colony from diverse Irregularitys & Extortions was Committed Reported from the s^d Committee that they have gone through the sd Bill & made some amendments thereto which he read in his place & afterwards delivered in att the Table where the same were read & agreed to by the Board & the Bill with the amendments being read a Third time is ordered to Lye on the Table till to morrow morning.

A Message from the house of Representatives By M^r Harding that the house have past a Bill Entituled, An Act for refunding six hundred flourty Six Pounds Thirteen Shillings and four pence misapplied in the Eighteen hundred Pounds Tax.

Which Bill was read the first time & ordered to be read a second time.

Att a Council held att Fort Anne In New Yorke, this 4th day of Octob^r, 1708.

PRESENT—

His Excellency EDWARD Viscount CORNBURY, &c.,

GERARDUS BEECKMAN, }
RIP VAN DAM, } Esq^{rs}

THO^s WENHAM, }
JOHN BARBERIE, } Esq^{rs}

Mr Whitehead brought up a Bill Entituled, An Act for the regulating & preventing the Corruption of the Curr^t Coin and the amendments & acquainted this Board the house have agreed to the same.

A Bill Entituled, An Act to Enable the mayor aldermen & Commonality of the Citty of New Yorke to raise the sūme of six hundred Pounds in two years for the uses therein mentioned was read the first time and ordered a second reading.

Ordered, that Coll^o Wenham carry the Bill to the Assembly Entituled, An Act to Releive this Colony from diverse Irregularitys and Extortions and acquaint them that this Board have agreed to the same with some amendments to which they desire the Concurrence of that house.

The Bill Entituled, An Act for Refunding six hundred Fourty six Pounds thirteen shillings and four Pence misapplied in the Eighteen hundred Pounds tax was read a second time & Committed to the Gent: of this Board or any Three of them

Att a Council held att Fort Anne in New Yorke this 6th day of Octob^r, 1708.

PRESENT—

His Excellency EDWARD Viscount CORNBURY, &c.,

GERARDUS BEECKMAN, }
THO^s WENHAM, } Esq^{rs}
ROGER MOMPESON, }

JOHN BARBERIE, }
ADOLPH PHILLIPS, } Esq^{rs}

A Message from the house of Representatives that they agreed to the amendments made by this Board to the Bill Entituled, An Act to Releive this Collony from diverse Irregularity & Extortions

His EX^{ty} having ordered the attendance of the Assembly & they being according come up his EX^{ty} assented to the following Bills Enacting the same and ordering them to be Enrolled

1. An Act for Reviving An Act of Gen^l Assembly of this Province Entituled, An Act against forging counterfeiting and Clipping of forreigne Coin which is Currant money in the Colony of New Yorke.

2. An Act for the Regulating & preventing the corruption of the Coin.

3. An Act to Enable the Supervisors of Queens County to repair or to Rebuild a County hall & Common Goal for the said County

4. An Act to Releive this Collony from diverse Irregularitys & Extortions.

Att a Council held att Fort Anne in New Yorke this 8th day of Octob^r, 1708.

PRESENT—

His Excellency EDWARD Viscount CORNBURY, &c.,

PETER SCHUYLER, }
RIP VAN DAM, } Esq^{rs}
THOMAS WENHAM, }

ROGER MOMPESON, }
JOHN BARBERIE, } Esq^{rs}
ADOLPH PHILLIPS, }

The Bill Entituled, An Act to Enable the Mayor Aldermen and Commonality of the Citty of New Yorke to raise the sūme of six hundred Pounds in two years for the uses therein mentioned was read a second time and committed to the Gent: of this Board or any Three of them

John Barberie Esq^r Chairman of the Committee to whom the Bill Entituled, An Act for Refunding six hundred and Fourty six Pounds Thirteen shillings and four Pence misapplied in the Eighteen hundred Pounds Tax was Committed Reported from the said Committee that they have gone through the said Bill and made severall amendments thereto which he read in his place and afterwards delivered in att the Table, where the same were read.

The two last amendments made by the Committee to the said Bill is disagreed to, the rest being agreed to The Council made Likewise some other amendments to the said Bill

Which being read a third time was past

Mr Mompesson and Mr Phillips Enter their Dissent to the passing the said Bill because it is anticipating her Maties Revenue.

Ordered, that John Barberie Esq^r do carry the said Bill to the house of Representatives and acquaint them that this Board have agreed to the said Bill with some amendments to which they desire the Concurrence of that house.

His Ex^{ty} acquainted this Board that he has rec^d a Message from the house of Representatives that they cannot agree to the amendm^{ts} made by this Board to the Bill Entitled, An Act for y^e Explaining An Act Entitled, An Act for the Laying out regulating clearing & preserving Publick Common highways throughout this Colony

Whereupon the Question being put if this Board insist on these amendments?

It past in the affirmative.

Ordered, that Adolph Phillips Esq^r do acquaint the house of Representatives that this Board do desire a Conference with them on the subject matter of the said Bill to morrow morning att nine a clock att the Coffee house & that in the mean time a Committee meet to draw up their reasons

His Ex^{ty} Acquainted this Board that he has Rec^d a Message from the house of Representatives that they Cannot agree to the amendments made by this Board to the Bill Entitled, An Act for the better Settlement & Assurance of Lands in this Colony

Whereupon the Question being put if this Board insist in their amendments it past in the Affirmative.

Ordered, that Adolph Phillips do acquaint the house of Representatives that this Board do desire a Conference with them on the Subject matter of the Said Bill on Tuesday next att three a Clock in the Afternoon att the Coffee house.

His Ex^{ty} acquainted this Board that he has Rec^d a Message from the house of Representatives that they have past a Bill Entitled, An Act for raising Two hundred Fifty three Pounds Sixteen Shillings to discharge the Lord Cornbury from his Contract with Mr Hansen

Which Bill was read the first time & ordered to be read a second time.

Att a Council held att Fort Anne in New Yorke this 11th day of October, 1708.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

PETER SCHUYLER,
GERARDUS BEECKMAN, } Esq^{rs}
RIP VAN DAM,

THO^s WENHAM,
JOHN BARBERIE, } Esq^{rs}
ADOLPH PHILLIPS,

The Bill Entitled, An Act for raising two hundred Fifty three Pounds & Sixteen Shillings the discharge the Lord Cornbury from his Contract with Mr Hansen was read a Second time & Committed to the Gent: of this Board or any three of them.

Thomas Wenham Esq^r Chairman of the Committee to whom the Bill Entitled, An Act to Enable the Mayor Aldermen Commonality of the City of New Yorke to raise the S^{um}e of Six hundred Pounds in two years for the uses therein mentioned was Committed Reported from the Said Committee that they have gone through the sd Bill without any amendment

Which Bill being read a third time was past.

Ordered, that Coll^o Wenham do Acquaint the house of Representatives that this Board have agreed to the Said Bill without any amendment.

Adolph Phillips Esq^r Reported from the Conference with the house of Representatives on the Subject matter of the Bill Entitled, An Act for Explaining An Act Entitled, An Act for laying out regulating clearing and preserving Publick Common highways thro^{ut} this Colony that they have met on the Said Conference and delivered in writing to the Representatives their reasons for insisting on their amendments to the sd Bill & that the Representatives do not insist on that part of the amendment relating to the quashing & making void the verdict in the Case Between Thomas Turneur & Zachariah Sickles, and that as to the other part of the amendment they have delivered their reasons Likewise in writing for their disagreeing thereto which were read att the Table.

The question being put if this Board do resolve to adhere to their whole amendm^t

It past in the affirmative

Ordered, that Mr Phillips do acquaint the house of Representatives that this Board do desire a free Conference with them to morrow in the afternoon att three a Clock att the Coffee house on the subject matter of the amendments made by this Board to the Said Bill.

Ordered, that the two orders made the Last Council for a Conference with the House of Representatives be amended by striking out the word demand & inserting the word desire

A Message from the house of Representatives by Mr Hansen that they desire this Board will appoint a Committee to conferr with a Committee of that house in order to the drawing a Bill for Establishing & regulating Fees

Resolved, that Mr Van Dam, Mr Wenham, Mr Barberie and Mr Phillips or any three of them be a Committee for that Purpose.

Ordered, that Mr van Dam do acquaint the house of Representatives that this Board have appointed a Committee to conferr with them according to their desire.

Att a Councill held att Fort Anne in New Yorke, this 12th day of Octob^r, 1708.

PRESENT — His Excellency EDWARD Viscount CORNBURY, &c.,
 P^r SCHUYLER, }
 R^{IP} VAN DAM, } Esq^{rs}
 THOMAS WENHAM, }
 ROGER MOMPESON, } Esq^{rs}
 JOHN BARBERIE, }

John Barberie Esq^r Chairman of the Committee to whom the Bill Entituled, An Act for raising the sūme of two hundred fifty three Pounds and sixteen Shillings to discharge the Lord Cornbury from his Contract with Mr Hansen Reported from the said Committee that they have gone through the said Bill without any amendment.

Which Bill being read a third time it past.

Ordered, that Mr Barberie do acquaint the house of Representatives that this Board have agreed to the said Bill without any amendment.

Thomas Wenham Esq reported from the Committee appointed to draw up an Address to her M^{tie} to Supplicate her M^{ties} Gracious approbation of the Act of Assembly lately past for regulating the Coin; reported from the said Committee that they have drawn up such Address, which was read att the Board.

Att a Councill held att Fort Ann in New Yorke, this 14th day of Octob^r, 1708.

PRESENT — His Excellency EDWARD Viscount CORNBURY, &c.,
 PETER SCHUYLER, }
 GERARDUS BEECKMAN, } Esq^{rs}
 R^{IP} VAN DAM, }
 THOMAS WENHAM, } Esq^{rs}
 ROGER MOMPESON, }
 JOHN BARBERIE, }

A Message from the house of Representatives that they have agreed to the amendm^t made by this Board to the Bill Entituled, An Act for refunding six hundred Fourty six Pounds Thirteen Shillings and four Pence misaplyed in the £1800 Tax and made some other amendments thereto which were read att the Board and agreed to.

Ordered, that Mr Phillips do acquaint the house of Representatives that this Board have agreed to the amendments made by that house to the sd Bill.

Att a Councill held att Fort Anne in New Yorke, this 15th day of Octob^r, 1708.

PRESENT — His Excellency EDWARD Viscount CORNBURY, &c.,
 Coll^o SCHUYLER, }
 M^r BARBERIE, } M^r PHILLIPS,

A Message from the house of Representatives that they have past a Bill Entituled, An Act for preventing the conspiracy of Slaves to which they desire the concurrence of this Board.

Which Bill was read the first time and ordered to be read a second time.

Another Message from the house of Representatives that they have past a Bill Entituled, An Act for the Easier Partition of Lands in Joint Tenancy or in Common to which they desire the Concurrence of this Board.

Which was read the first time and ordered to be read a second time.

Att a Council held att Fort Anne in New Yorke, this 16th day of Octobr, 1708.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

PETER SCHUYLER, }
RIP VAN DAM, } Esq^r
THO^s WENHAM, }

ROGER MOMPESSEON, }
JOHN BARBERIE, } Esq^r
ADOLPH PHILLIPS, }

The Bill Entituled, An Act for the Easier Partition of Lands in Joint Tenancy or in Common was read a second time and committed to the Gent: of this Board or any Three of them.

The Bill Entituled, An Act for preventing the Conspiracy of Slaves read a second time & committed to the Gents of this Board or any three of them.

The Secretary having been sent to ord^r the Assembly to attend his Ex^{ty} and they being accordingly come he assenting to the following Bills Enacting them and ordering them to be Enrolled.

1. An Act for refunding seven hundred and Eleven Pounds Ten Shillings & five Pence misapplied in the £1800 Tax.

2. An Act for raising Two hundred Fifty three Pound & Sixteen Shillings to discharge the Lord Cornbury from his Contract with M^r Hansen.

An Act to Enable the mayor aldermen and Commonality of the City of New Yorke to to raise the sume of six hundred Pounds for the uses therein mentioned.

Ordered, that M^r Byerley Lay his acco^s of the Revenue before this Board on Monday next.

His Ex^{ty} delivered to the Speaker of the house an address to her M^{tie} which he proposed to be signed By the Gov^r Council and Assembly praying her M^{ties} approbation of the Act for preventing the Corruption of the Currant Coin & recommended to the assembly to raise a sūme to defray the Charge of Sollicitation of this address.

Att a Council held att Fort Anne in New Yorke, this 21th day of October, 1708.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

PETER SCHUYLER, }
RIP VAN DAM, } Esq^r
THOMAS WENHAM, }

ROGER MOMPESSEON, }
JOHN BARBERIE, } Esq^r
ADOLPH PHILLIPS, }

Ordered, that M^r Van Dam and M^r Mompesson do prepare a Bill to prevent the clandestine Trade now carryed on Betweene the Inhabit^s of & near Albany with the French in Canada and to Confine the Indian Trade to the City of Albany & also to Prevent the Exportation of Beaver Dear skins and other Peltry from Albany to New England by Land.

Ordered, that M^r Phillips do acquaint the house of Representatives that this Board do appoint to morrow att Three a Clock in the afternoon att the Collée house for the Free Conference on the subject matter of the amendments made to the Bill Entituled An Act for Explaining An Act forr laying out regulating clearing and Preserving Publick Common highways through out this Collony.

Ordered, that M^r Phillips do acquaint the house of Representatives that this Board do appoint to morrow att three a Clock in the afternoon att the Collée house for the Conference on the Subject matter of the Bill Entituled, An Act for the better Settlement and assurance of Lands within this Collony.

Att a Council held att Fort Anne in New Yorke, the 22th day of Octobr, 1708.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

PETER SCHUYLER, }
RIP VAN DAM, } Esq^r
THOS. WENHAM, }

ROGER MOMPESSEON, }
JOHN BARBERIE, } Esq^r
ADOLPH PHILLIPS, }

Roger Mompesson Esq^r Chairman of the Committee to whom the Bill Entituled, An Act for Preventing the Conspiracy of slaves was Committed reported from the said Committee that they have gone through the said Bill and made severall amendments thereto which he read in his place & afterwards delivered in att the Table where the same were read and agreed to by the Board & the Bill read a Third time with the amendments was agreed to.

Ordered, that Mr Mompesson do acquaint the house of Representatives that this Board have agreed to the said Bill with some amendments to which they desire the Concurrence of that house.

John Barberie Esq^r Chairman of the Committee to whom the Bill Entituled, An Act for the Easier Partition of Lands in Joynt Tennancy or in Common was Committed Reported from the Committee that they have gone through the said Bill without any amendment.

But some amendments being proposed att the Board they were agreed to and the Bill with the said amendments being read a Third time was Past.

Ordered, that Mr Barberie do acquaint the house of Representatives that this Board do agree to the said Bill with some amendments to which they desire the Concurrence of that house.

A Message from the house of Representatives by Mr Haredon that they have past a Bill Entituled, An Act for the Better preserving of Sundry antient Dutch wills Contracts and other writings to which they desire the Concurrence of this Board which Bill was read the first time and ordered to be read a second time.

Att a Council held att Fort Anne in New Yorke, this 22th day of October, 1708.

PRESENT—

His Excellency EDWARD Viscount CORNBURY, &c.,

PETER SCHUYLER, } Esq^r
THO^s WENHAM, }

ROGER MOMPESON, } Esq^r
JOHN BARBERIE, }

The Bill Entituled, An Act for the better preserving of sundry antient Dutch wills Contracts and other writings was Read a second time and committed to the Gent: of this Board or any three of them.

Att a Council held att Fort Anne in New Yorke, this 25th day of October, 1708.

PRESENT—

His Excellency EDWARD Viscount CORNBURY, &c.,

Coll^o SCHUYLER, }
M^r BECKMAN, }
M^r WENHAM, }

M^r MOMPESON, }
M^r BARBERIE, }

His Ex^{ty} acquainted this Board that he has Reced a Message from the house of Representatives that they have agreed to the amendments made by this Board to the Bill Entituled, An Act for the Easier Partition of Lands in Joint Tenancy or in Common.

And also another Message that they do not insist on that parte of the amendments made by this Board to the Bill Entituled, An Act for Explaining An Act Entituled, An Act for the laying out regulating clearing & preserving Publick Common highways throughout this Collony Relating to the Quashing & making void the verdict in the case between Thomas Turneure & Zach: Sickles but they insist on the other Parte of the said amendm^t.

M^r Mompesson reported from the Committee appoint^d to meet a Committee of the house of Representatives on a free Conference on the subject matter of the sd amendm^t that they have met thereon but did not agree.

Whereupon after some debate

Ordered, that Mr Mompesson acquaint the house of Representatives that this Board do not insist on that parte of their amendment to the said Bill relating to the Inhabitants of the Town of Harlem not being obliged to mend repair or Levell any highways beyond or without the Bounds or Limitts of their own Lands.

Upon reading the Peticōn of Ebenezer Willson & Lancaster Sym^s praying Leave to Bring in a Bill to oblige Thomas Byerley Esq^r Late Coll^r & receiv^r Gen^l of this Province to refund the sūme of One Thousand and ninety Pounds Sixteen Shillings Eleven Pence three farthings detained by him of the Revenue without any Lawfull warrant or authority It is

Ordered, that the Pet^r have Leave to Bring in a Bill according to the prayer of their Peticōn.

Att a Council held att Fort Anne in New Yorke, this 26th day of October, 1708.

PRESENT — *His Excellency &c.,*

Coll^o SCHUYLER, }
M^r BEECKMAN, }
M^r VAN DAM, }

M^r WENHAM, }
M^r MOMPESSEON, }
M^r PHILLIPS, }

M^r Mompesson presented to the Board a Bill Entituled, An Act for preventing all trade & commerce with the French of Canada & regulating the Indian Trade att Albany which was read the first time & ordered to be read a second time.

And also another Bill Entituled, An Act for the regulating the Transportation of Furrs Peltry and other Skins which was read a first time & ordered to be read a second time.

A Bill Entituled, An Act to oblige Thomas Byerley Esq^r Late Coll^r & Receiv^r Gen^l of this Colony to Repay severall sums of money misapplied by him during the time he was Coll^r & Receiver Gen^l was presented to the Board & read the first time & ordered to be read a second time.

Att a Council held att Fort Anne in New Yorke, att 4 Clock in the Afternoon, this 26th of October, 1708.

PRESENT — *His Excellency EDWARD Viscount CORNBURY, &c.,*

Coll^o SCHUYLER, }
M^r VAN DAM, }
M^r WENHAM, }

M^r MOMPESSEON, }
M^r BARBERIE, }

The Bill Entituled, An Act for Preventing All Trade and Commerce with the French of Canada & Regulating the Indian Trade att Albany was read a second time & Committed to this Gent: of this Board now present or any three of them.

The Bill Entituled, An Act for y^e Transportacōn of Furrs Peltry & other skins was Likewise read a second time & committed to the Gent: of this Board now present or any three of them.

The Bill Entituled, An Act to oblige Thomas Byerley Esq^r Late Coll^r & Receiv^r Gen^l of the Collony to repay severall sums of money misapplied by him during the time he was Coll^r & Receiv^r Gen^l was read a second time & committed to the Gent: of this Board now present or any three of them.

Att a Council held att Fort Anne in New Yorke this 27th of October, 1708.

PRESENT — *His Excellency EDWARD Viscount CORNBURY, &c.,*

Coll^o SCHUYLER, }
M^r WENHAM, }
M^r MOMPESSEON, }

M^r BARBERIE, }
M^r PHILLIPS, }

Roger Mompesson Esq^r Chairman of the Committee to whom the Bill Entituled, An Act for the Better preserving of sundry antient Dutch wills contracts and other writings was committed Reported that they have gone through the said Bill and made severall amendm^{ts} thereto which he read in his place and afterwards delivered in att the Board where the same were read & agreed to &

The Bill being read a third time was past with the amendments.

Ordered, that M^r Mompesson do carry the said Bill to the house of Representatives and acquaint them that this Board do agree to the sd Bill with some amendments to which they desire the Concurrence of that house

M^r Van Dam took his place att the Board.

Thomas Wenham Esq^r Chairman of the Committee to whom the Bill Entituled, An Act for preventing all Trade and Commerce with the French of Canada and Regulating the Indian Trade att Albany was Committed Reported that they have gone through the said Bill and made some amendments thereto which he read in his Place and afterwards delivered in att the Table where the same were read & agreed to and some other amendments were Likewise made att the Board & agreed to.

Ordered, that the Bill with the amendm^{ts} be Ingrossed

Thomas Wenham Esq^r Chairman of the Committee to whom the Bill Entituled, An Act for the Regulating y^e Transportation of Furrs Peltry and other skinns was Committed Reported that they have gone through the sd Bill & made some amendments thereto which he read in his place and afterwards delivered in att the Table where the same were read & agreed to by the Board

Ordered, that the Bill with the amendments be Engrossed

John Barberie Esq^r Chairman of the Committee to whom the Bill Entituled, An Act to oblige Thomas Byerley Esq^r Late Coll^r & Receiv^r Gen^l of this Colony to repay severall sums of money of money (*sic*) misapplied by him during the time he was Coll^r & Receiv^r Gen^l was Committed reported that they have gone through the said Bill and made some amendments thereto which he read in his Place and afterwards Delivered in att the Table where the same were read & agreed to by this Board

Ordered, that the Bill wth the amendm^{ts} be Engrossed

Att a Councill held att Fort Anne in New Yorke, att 4 a Clock in the Afternoon, this 27th of October, 1708.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

Coll^o SCHUYLER, }
M^r VAN DAM, }
Coll^o WENHAM, }

M^r MOMPESSEON, }
M^r BARBERIE, }

The Ingrossed Bill Entituled, An Act for preventing all Trade and Commerce wth the French of Canada & Regulating the Indian Trade att Albany was read & Past.

Ordered, that M^r Mompesson do carry the said Bill to the house of Representatives and acquaint them this Board have past the same and Desire their Concurrence thereto.

M^r Phillips took his Place.

The Ingrossed Bill Entituled, An Act for the Regulating the carrying of and Transporting of Furrs Peltry and other Skinns was read a third time and Past.

Ordered, that M^r Mompesson do carry the said Bill to the house of Representatives and acquaint them that this Board have past the same and desire their Concurrence thereto.

The Ingrossed Bill Entituled, An Act to oblige Thomas Byerley Esq^r Late Coll^r & Receiv^r Gen^l of this Colony to repay severall sumes of money misapplied by him during the time he was Collector and Receiver Gen^l was read a Third time &

The Question being put if the Bill should pass Coll^o Schuyler M^r van Dam & M^r Wenham were of opinion it should pass. M^r Mompesson, M^r Barberie & M^r Phillips were of opinion it should not pass.

Whereupon this Board being Equally divided his Excellency declared his opinion that it ought to pass.

The reasons for such opinion are these That as to the first sume mentioned in the Bill it is without precedent to allow a Coll^r his sallary before he has made known his Commission to the Gov^r & entered on the Execution of his office; As to the second his Ex^{ty} suspended M^r Byerley from his office of Coll^r & Receiver Gen^l of this Province by vertue of the Power and Authority given to him by her M^{ties} Letters Patents under the Broad Seal of England and her M^{ties} Instructions under her signet and sign Manuall and there being a Commissioner appointed to Execute that office during the said M^r Byerley's suspension the Sallary for that time of right belonged to & has been reced by him & notwithstanding it was my Lords Trears opinion that he ought not to have been suspended without first acquainting him with it yet being Bound by oaths his Ex^{ty} thinks he should not have discharged his duty had he not suspended him finding him Guilty of the severall frauds he has Committed in the Execution of his office particularly in the Two sumes of seven and Twenty Pounds and five and Twenty Pounds mentioned in the Bill.

Ordered, that M^r Mompesson do carry the said Bill to the house of Representatives & acquaint them that this Board have Past the same & Desire their Concurrence thereto.

M^r Phillips desires to have his reasons for his Dissent to the passing the said Bill Entered which are as follows viz^t

That he conceive this Board are not Proper Judges of what ought to be allowed a Coll^r or any one Else that Executes that office but that the right thereof is solely Lodged in my Lord Trear. Secondly that hee is Informed M^r Byerley is arrested att the Queens suite for all he has reced since his Restoration so that he Looks upon it that this would be Prejudging that Cause. Lastly that since he has given Bail to that action and likewise security in England he conceives the Queen cannot be hurt if this Bill does not Pass.

M^r Mompesson desires his Dissent may be Entred for the same Reasons.

Att a Council held att Fort Anne in New Yorke, this 29th day of Octob^r, 1708.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

Coll^o SCHUYLER,
M^r VAN DAM,
M^r WENHAM,

M^r MOMPESSEON,
M^r BARBERIE.

A Message from the house of Representatives that they have agreed to the amendments made by this Board to the Bill Entituled, An Act for Preventing the Conspiracy of Slaves.

Another Message from the sd house that they have Past a Bill Entituled, An Act for raising a fund for defraying some Extraordinary charges that have happened in this Collony to which they desire the Concurrence of this Board.

Which Bill was read a first time & ordered to be read a second time.

Another Message from the said house that they have past a Bill Entituled, An Act for regulating and Establishing Fees to which they desire the Concurrence of this Board.

Which Bill was read the first time & ordered to be read a second time.

Att a Council held att Fort Anne in New Yorke, at 4 a clock in the afternoon, this 29th day of October, 1708.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

Coll^o SCHUYLER,
M^r VAN DAM,
M^r WENHAM,

M^r MOMPESSEON,
M^r BARBERIE,
M^r PHILLIPS.

The Bill Entituled, An Act for regulating and Establishing Fees read a Second time & Committed to the Gent: of this Board or any three of them.

The Bill Entituled, An Act for raising a fund for defraying Some Extraordinary Charges that have happened in this Colony was read a second time & Committed to the Gent: of this Board or any three of them.

A Message from the house of Representatives that they have past a Bill Entituled, a further Act for the Supervising Intestate Estates Regulating the Probatt of Wills & granting Letters of Administracōn to which they desire the Concurrence of this Board

which Bill was read the first time & ordered to be read a second time

Att a Council held att Fort Anne in New Yorke this 30th day of Octob^r, 1708.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

Coll^o SCHUYLER,
M^r VAN DAM,
M^r WENHAM,

M^r MOMPESSEON,
M^r BARBERIE,
M^r PHILLIPS.

Roger Mompesson Esq^r Chairman of the Committee to whom the Bill Entituled, An Act for raising a fund for Defraying Some Extraordinary Charges that have happened in this Collony was Committed Reported from the s^d Committee that they have gone through the s^d Bill without making any Amendm^{ts} thereto

Which Bill was Read a third time and agreed to by this Board.

Ordered, that M^r Mompesson do acquaint the house of Representatives that this Board do agree to the said Bill without any Amendment.

The Bill Entituled, a further Act for Supervising Intestates Estates Regulating the Probatt of Wills and Granting Letters of administracōn was read a Second time & Committed to the Gent: of this Board or any three of them

The Sec^{ry} having Summoned the house of Representatives to attend his Ex^{ty} and they being Come his Ex^{ty} gave his Assent to the following Bills Enacting the Same & ordering them to be Enrolled.

1. An Act for the Explaining An Act Entituled, An Act for the Laying out, Regulating, Clearing & Preserving Publick Common highways throughout this Collony.

2. An Act for Preventing the Conspiracy of Slaves

3. An Act for the Easier Partition of Lands in Joint Tennancy or in Common

4. An Act for raising a fund for Defraying Some Extraordinary charges that have happened in this Collony.

Att a Councill held att Fort Anne In New Yorke, this 18th day of Nov^r, 1708.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

M^r VAN DAM,
M^r WENHAM,

M^r MOMPESON,
M^r BARBERIE.

His Ex^{ty} Recommended to the Gent of this Board to meet in a Committee on the Bill Entituled, An Act for Regulating and Establishing Fees & on what other Bills are Committed.

Att a Councill held att Fort Anne in New Yorke, this 26th of Nov^r, 1708.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

M^r VAN DAM,
M^r WENHAM,
M^r MOMPESON,

M^r BARBERIE,
M^r PHILLIPS.

M^r Mompesson Esq^r Chairman of the Committee to whom the Bill Entituled, An Act for Regulating & Establishing Fees was Committed Reported from the sd Committee that they have gone through the sd Bill and made severall amendments thereto which he read in his Place & afterwards delivered in att the Table where the same were read & agreed to By the Board and the Bill with the amendments being Read a third time is Past.

Ordered, that M^r Mompesson do carry the sd Bill with the amendments to the house of Representatives & acquaint them that this Board have agreed to the sd Bill with some amendm^{ts} to which they Desire their Concurrence.

[IN EXECUTIVE SESSION.]

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Att a Councill held att Fort Anne in New Yorke, this 27th Nov^r, 1708.

PRESENT —

His Excellency EDWARD Viscount CORNBURY, &c.,

M^r VAN DAM,
M^r WENHAM,

M^r MOMPESON,
M^r BARBERIE.

A Proclamation for adjourning the assembly to the first day of March next was signed.

IN COUNCIL, 5 day of January, 1708.

PRESENT —

His Excellency JOHN Lord LOVELACE, Baron of HURLEY, &c.,

M^r VAN DAM,
M^r WENHAM,
M^r MOMPESON,

M^r BARBERIE,
M^r PHILLIPS,
M^r PEARTREE.

Ordered, that a Proclamacōn issue declaring the present assembly to be DISSOLVED.
And that Writts issue for the Election of a New Assembly to meet the 10th of March next.

TWELFTH ASSEMBLY FIRST SESSIONS.

Att a Council held att Fort Anne in New Yorke, this 6th Aprill, 1709.

PRESENT — *His Excellency JOHN Lord LOVELACE, Baron of HURLEY, &c.,*
COLL^o SCHUYLER, M^r BARBERIE,
COLL^o WENHAM, M^r PHILLIPS,
M^r MOMPESON,

- The Secretary having summoned the assembly to attend his Excellency in the Council Chamber & they being accordingly come, his Excellency Recommended it to them to choose a Speaker.

Att a Council held att Fort Anne in New Yorke, this 7th day of Aprill, 1709.

PRESENT — *His Excellency JOHN Lord LOVELACE, Baron of HURLEY, &c.,*
COLL^o SCHUYLER, M^r MOMPESON,
M^r BEEKMAN, M^r BARBERIE,
M^r VAN DAM, M^r PHILLIPS,
M^r HEATHCOTE, M^r PEARTREE,
M^r WENHAM,

The Sec^y having summoned the assembly to attend his Ex^{ty} in the Council Chamber, and they being accordingly come presented M^r Nicoll their Speaker whom his Ex^{ty} approved and all the members took the oaths appointed to be taken instead of the oaths of allegiance and Supremacy, and took & Subscribed the Test & abjuration oath and then made the following Speech to them.

Gent:

I have called you together as Early as you could well meet with conveniency to your selves to consult of those things which are necessary to be done att this time for her M^{ties} services & the good of the Province.

The large Supplies of Soldiers and Stores of warr for your Support and Defence, together with those necessary Presents for your Indian Neighbours which her M^{tie} has now sent you att a time when the Charge of the Warr is so great att home, are evident proofs of her particular care of you, and I assure myself they will be Rec^d with those Testimonies of Loyalty and Gratitude which such Royal favours Deserve from an obliged and Gratefull People.

I am sorry to find that the Publick Debt of the Province is so great as it is and that the Government here hath so little Credit, if any att all Left, a Govern^t under a Queen as famous for her Prudent and frugal management att home as for her war Like and Glorious actions abroad I cannot in the Least doubt (Gentlemen) But that you will Raise the same Revenue for the same Term of years for the Support of the Govern^t as was raised by Act of Assembly in the Eleventh year of the Reigne of the late King William of Glorious memory and I hope you will also find out ways and means to Discharge the Debt that hath been Contracted and allow to the persons concerned a Reasonable Interest till the Principall is Discharged, to that End I desire you to Examine and state the Publick accounts that it may be known what this Debt is and that it may appear hereafter to all the world that it was not Contracted in my time.

I must in particular desire you to Provide for the necessary Repairs of the Fortifications of the Province the Barracks are so small, and so much out of Repair that I have been necessitated to billet the Recruits that came over with me upon this City which I am sensible hath been a Burthen to the Inhabitants but I hope you will soon ease them of that Burthen.

The fitting out a good Sloop to attend her Maties men of Warr in their cruizings on this Coast, I take to be so necessary for the preserving your navigation, that I expect you will find out a Proper method to defray that charge, I am willing my Salary should be Taxed, that I may pay my Quota to so usefull a service.

I think myself obliged further to recommend to your considera^{con} how to prevent the Exportation of the Gold and Silver Coyⁿ out of the Province Least in a short time your Trade should suffer for want thereof.

The Queen hath nothing more att heart than the Prosperity of her Subjects I shall approve myselfe to her Matie in pursuing those methods that will best conduce to that End. It shall be my constant care to Promote Peace and union amongst you to Encourage you in your Trade and to Protect you in the Possession, Your Just Rights and Priveledges.

After his Ex^{ty} made his Speech the Speaker Desired that their usuall priveledges may be preserved to them which his Ex^{ty} promised them accordingly.

Att a Council held att Fort Anne in New Yorke this 14th day of Aprill, 1709.

PRESENT — His Excellency JOHN Lord LOVELACE, Baron of HURLEY, &c.,

Mr BEECKMAN,
Mr VAN DAM,
Coll^o HEATHCOTE,
Coll^o WENHAM,

Mr BARBERIE,
Coll^o PEARTREE,
Cap^t PROVOST.

His Ex^{ty} acquainted this Board that he has Rec^d from the house of Representatives a Bill Entituled, An Act to Releive Assessors to which they Desire the Concurrence of this Board which Bill was Read the first time & ordered to be read a second time.

Att a Council held att Fort Anne in New Yorke, this 19th of Aprill, 1709.

PRESENT — His Excellency JOHN Lord LOVELACE, Baron of HURLEY, &c.,

Coll: SCHUYLER,
Coll. BEECKMAN,
Mr VAN DAM,
Coll^o HEATHCOTE,

Mr RENSLAER,
Mr MOMPESON,
Mr PHILLIPS.

His Ex^{ty} acquainted this Board that he has Rec^d from the house of Representatives a Bill Entituled, An Act to prevent the Exportation of the Gold and Silver Coin out of this Collony to which they Desire the Concurrence of this Board.

Which Bill was Read the first time & ordered to be Read a second time.

The Bill Entituled, An Act to Releive Assessors was Read the second time & Committed to the Gent: of this Board, or any three of them.

Att a Council held att Fort Anne in New Yorke, this 20th day of Aprill, 1709.

PRESENT — His Excellency JOHN Lord LOVELACE, Baron of HURLEY, &c.,

Coll: SCHUYLER,
Coll: WENHAM,
Mr RANSLAER,
Mr MOMPESON,

Mr BARBERIE,
Mr PHILLIPS,
Cap^t. PROVOOST.

Ordered, that Mr Ranslaer do go to the house of Representatives and acquaint them that this Board have Rec^d advice that the Five Nations of Indians and the Waganhaes are now Goeing to Enter on a Treaty of Peace on consideration whereof this Board are of opinion that it is very necessary to send some Person to be present at the Said treaty to Endeavour to Procure a Free Trade with the Said Waganhaes Indians which they Conceive will very much conduce to the advantage of this Province and have therefore taken measures accordingly and ordered some presents out of those his Excellency brought wth him to be sent to the Said Indians But that the charge of the said Journey will likewise Require a Supply of Fifty pounds in money which this Board desires the said house to take into their considerac^ons & provide for the payment thereof

The Bill Entituled, An Act to Prevent the Exportation of the Gold and Silver Coin out of this Colony was read a Second time and Committed to the Gent: of this Board or any three of them

Att a Councill held att Fort Anne in New Yorke this 26th day of April, 1709.

PRESENT — *His Excellency* JOHN Lord LOVELACE, *Baron of HURLEY, &c.*,

Coll: SCHUYLER,
Mr VAN DAM,
Coll: WENHAM,

Mr RANSLAER,
Mr BARBERIE,
Coll: PEARTREE.

Ordered, that the Gent: of this Board or any Five of them do Prepare and bring in a Bill to prevent the Disertion of the Seamen from her Māties Ships of Warr in this Province

Att a Councill held at Fort Anne in New Yorke, this 10th day of May, 1709.

PRESENT — *The Honorable* RICHARD INGOLDESBEY Esq^r, Lieutenant Governour,

Coll : SCHUYLER,
Coll : HEATHCOTE,
Coll : WENHAM,
M^r MOMPESSEON,

Mr BARBERIE,
Coll PEARTREE,
Cap^t PROVOST.

The Sec^y having Summoned the Assembly to attend his honour they Came Accordingly then his Honour made the following Speech to them viz^t

Gentlemen,

My Lord Lovelace being dead and y^e Govern^t thereby devolved on me I have sent you to
recomend to y^e Consideration his Ex^{ty}s Speech att y^e beginning of y^e Sessions wherein I find he
has taken notice of those things w^{ch} I conceive are att present necessary to be provided for by
you if there be anything further w^{ch} you shall Judge necessary for her Majestys Service & y^e
Good of y^e Country I Shall be ready to Concurr wth you therein.

Att a Councill held att Fort Anne in New Yorke, this 14th of May, 1709.

PRESENT— *The Honorable* RICHARD INGOLDESBEY Esq^r, Lieutenant Governour,

Coll : SCHUYLER,
Coll : WENHAM,
M^r BARBERIE,

Coll: PEARTREE,
Cap^t PROVOST.

A Message from the Assembly with a Bill Entituled, An Act for the better Settlement & assurance of Lands in this Colony to which they desire the Concurrence of this Board which Bill was Read the first time & ordered to be Read a Second time

A Message from the Assembly with a Bill Entitled, An Act for Regulating & Establishing Fees to which they Desire the Concurrence of this Board which Bill was read the first time & ordered to be read a Second time

A Message from the house of Representatives with a Bill Entitled, An Act for further Supervising Intestates Estates relating to Probatt of Wills & Granting Letters of administracõn to which they Desire the Concurrence of this Board

Which Bill was read the first time and ordered to be read a second time.

Att a Councill held att Fort Anne in New Yorke this 17th day of May, 1709.

PRESENT — *The Honorable* RICHARD INGOLDESBY, Esq^r Lieutenant Governour.

Coll: SCHUYLER,
Coll: WENHAM,
Mr BARBERIE,

Mr PHILLIPS,
Coll: PEARTREE,
Cap^t PROVOST.

Coll: Vetch & Coll: Nicholson being seated att the Board Coll: Vetch communicated to the Gov^r & Councill her M^{ties} Instructions to him with relation to the Expedition against Canada which were read and Coll: Vetch Promised the Leiv^t Gov^r the same should be Recorded here and after some Debate on the Premises the Assembly was sent for and having accordingly attended the Queens Letter to the Gov^r of this Province her M^{ties} said Instructions to Coll:

Vetch and severall other Papers relating to the matters aforesaid were Read to the Assembly and Delivered to the Speaker for the Inspection & Guide to the house who were desired to give all Possible Dispatch to the matters Required of this Province Coll: Vetch & Coll: Nicholson Likewise Informed them that the Governm^t of Massachusetts Bay Rhoad Island and Connecticut have alredy fully complied with her M^{ties} Instruce^{ns} relating to their respective premisses and have shown such a zeal and readiness therein that they have Exceeded Even what was Required of them & have addressed her M^{tie} Expressing their Gratefull thanks for her M^{ties} care of them

Ordered, that the Gent: of the Councill now present or any three of them (whereof Coll: Schuyler to be one) be a Committee to Conferr with a Committee of the house of Representatives on the matters afores^d

Ordered, that M^r Provost do acquaint the house of Representatives that a Committee of this Board do desire a Conference with a Committee of their house in the Councill Chamber att Four a clock this afternoon on the subject matter of the affairs communicated to them this morning

Ordered, that Coll: Rednap do attend the said Committee this afternoon who is also ordered to Go as Engineer on this Land Expedition and that he take Charge of the stores sent by her M^{tie} for the said Expedition (the same being brought hither from Rhode Island) and give Coll^o Vetch a Receipt for the same.

Att a Councill held att Fort Anne in New Yorke this 18th day of May, 1709.

PRESENT— *The Honoble* RICH^d INGOLDESBEY, Esq^r Lieutenant Governour.

Coll: SCHUYLER,
Coll: WENHAM,
M^r BARBERIE,

M^r PHILLIPS,
Coll: PEARTREE,
Cap^t PROVOST.

Coll: Nicholson and Coll: Vetch being seated att the Board the matters that were yesterday concerted by a Committee of both houses were read & agreed to by the Board

Ordered, that the Committee in the afternoon be acquainted that 'twill be Proper a Letter be Immediately writt and sent to the managers of the Indian affairs att Albany to send John and Abraham Schuyler or one of them or such other Persons as they shall Judge Proper with a Belt of Wampum to the Five Nations of Indians to Bring them Down forthwith to Albany Especially their young men with their Sachins and to take the Interpreter & to Bring down or secure the Priests and that this Letter be writt and Instructions Drawn up & communicated to the Committee in the afternoon.

At a Councill held att Fort Anne in New York, this 19th Day of May, 1709.

PRESENT— *The Honoble* RICHARD INGOLDSBY, Esq^r, Lieutenant Governour,

Coll: SCHUYLER,
Coll: HEATHCOTE,
Coll: WENHAM,
M^r MOMPESION,
M^r BARNARIE,

M^r PHILLIPSE,
Coll: PARETREE,
Cap^t PROVOST.

The Bill Entitled, An Act for Regulateing & Establishing fees was read the Second time and Committed to the Gentlemen of this Board or any five of them.

The Bill Entitled further Act for supervising Intestate Estates Regulateing the Probate of Wills and Granting Letters of administration was read the second time and Committed to the Gent of this Board or any five of them.

The Bill Entitled, An Act for the Better Settlement and assurance of Lands in this Colony was read the second time and Committed to the Gentlemen of this Board or any five of them.

Coll: Nichollson & Coll: Vetch being Seated at the Board M^r Schuyler brought from the assembly the Letter framed yesterday for the managers of the Indians affairs & y^e Instructions to be Given to the persons to be sent to the five Nations whereto y^e assembly do agree w^{ch} being read att this Board are ordered to be Copied fair and signed.

A Letter to be writt to Coll: Rutsen and Coll: D'Myre to cause all the Mininsink & other Indians thereabouts to be sent forthwth to Albany.

Ordered, y^t Cap^t Bond do Deliver to the Commissioners for manageing the necessarys for this Expedition such Quantitys of Stores out of this Garrison as they shall Demand taking their Receipt for the same.

Ordered, y^t the Comm^{rs} for manageing the necessarys for this Expedition do forthwth send up to Albany a sufficient Quantity of stores provisions and all other things necessary for six hundred men together wth Carpenters and all materials necessary for building store houses & Boats and making Canoes.

Att a Council held att Fort Anne in New York, this 20th day of May, 1709.

PRESENT — *The Honoble* RICHARD INGOLDSBY, Esq^r, Lieutenant Governour and Commander in Chief,

Coll : SCHUYLER,
M^r BECKMAN,
Coll : HEATHCOTE,
Coll : WENHAM,
M^r MOMPESSEON,

M^r BARBERIE,
M^r PHILLIPSE,
Coll : PARETREE,
Cap^t PROVOST.

Ordered, y^t Coll Heathcote & M^r Mompesson do prepare and bring in a Bill to prevent the selling or giving any Rum or any others sorts of strong liquors to any Indian in the County of Albany.

Att a Council held att Fort Anne in New Yorke, this 21st day of May, 1709.

PRESENT — *The Honoble* RICHARD INGOLDESBEY, Esq^r Lieutenant Governour,

Coll^o SCHUYLER,
M^r VAN DAM,
Coll : HEATHCOTE,
Coll : WENHAM,
M^r RENSCLAER,

M^r MOMPESSEON,
M^r BARBERIE,
M^r PHILLIPS,
Coll^o PEARTREE,
Cap^t PROVOST.

Coll^o Nicholson, Coll^o Vetch, Coll : Gookin & Coll : Saltonstall Being Seated att the Board, Coll^o Schuyler Communicated a Letter (not Signed) but by him said to be writt to him by a Priest in Canada about some Prisoners which they have of the English & which the Government of Massachusetts Bay has of theirs

Q Coll^o Saltonstall was acquainted with the measur's y^t have been taken here in Relation to the Expedition & he together with this Board Did again Desire Coll : Nicholson to take upon him the Command of this army designed to march by Land telling him that they would Concurr in such further application to him as they hoped would Prevail with him to take the said Command, to which Coll^o Nicholson again answered that he offered his services to the Queen to assist in the Expedition but not to Command yet if the Gov^r & Council here and the Govern^t of Connecticut and Pensylvania Did think it would be absolutely necessary to the Expedition that he should Command it if they would make knowne to him their Desires in such a manner as might appear in England and he had a Command to be accountable only to a Superior Officer appointed by the Queen he would give them a further answer

Coll : Schuyler said Coll^o Nicholsons taking this Command would be a very great Encouragement to the Indians who would readily go und^r his Comānd that he himself would go under his Command but would not Go otherwise

Coll^o Heathcote & M^r Mompesson brought in a Bill Entituled, An Act to Prevent Selling or Giving of Rum or other Strong Liquors to the Indians in the County of Albany

Which Bill was by order Read twice & Committed to the Gent : of this Board or any Five of them

A Message from the house of Representatives that they have Past Two Bills one Entituled, An Act to prevent the Transportation of Provisions the other Entituled, An Act for Levying Six Thousand Pounds

Which Bill were by order read Twice & Committed to the Gentlemen of this Board or any Five of them

*At a Council held at Fort Anne in New York, this 21st day of May, 1709,
in the Afternoon.*

PRESENT — *The Honorable* RICHARD INGOLDSBY Esq^r, Lieutenant Governour &

Coll^o SCHUYLER,
Coll^o HEATHCOTE,
M^r VANDAM,
Coll^o WENHAM,
M^r RENSELEAR,

M^r MOMPESSEON,
M^r BARBARIE,
Coll^o PARETREE,
Cap^t PROVOST.

Coll^o Heathcote Esq^r Reported the Bill Entituled, An Act to prevent Selling or giving of rum or other Strong liquors to the Indians in the County of Albany wthout amendments

Ordered, y^t the Bill be Engrost

Roger Mompession Esq^r reported the Bill Entituled, An Act for Levying Six thousand pounds wth out amendment w^{ch} Bill was read the third time.

Ordered, y^t Cap^t Provost Do Carry the s^d Bill to the Assembly and Acquaint them y^t this Board do agree to the Same wthout any amendm^t

Coll Wenham Reported the Bill Entituled, An Act to prevent the transportation of Provisions wth some amendments w^{ch} with y^e same was read a third time & agreed wth the amendments by a Council

Ordered, that do carry the s^d Bill to the Assembly and acquaint them that this Board do agree to the s^d Bill wth some amendments to w^{ch} they desire the concurrence of y^t house.

The Ingrossed Bill Entituled, An Act to prevent the selling and giving of rum or other strong liquors to the Indians was read 2^d third time & past.

Ordered, y^t Coll: Heathcote do carry y^e said Bill to the Assembly and acquaint them y^t this Board have past the s^d Bill and desire their Concurrence thereto.

At a Council held at Fort Anne in New York this 23th day of May, 1709.

PRESENT — *The Honorable* RICHARD INGOLDSBY, Esq^r Lieutenant Governour,

Coll^o SCHUYLER,
M^r VAN DAM,
Coll^o HEATHCOTE,
Coll^o WENHAM,
M^r RENSELAER,

M^r MOMPESSEON,
M^r BARBARIE,
M^r PHILLIPSE,
Coll^o PARETREE,
& Cap^t PROVOST.

Upon Reading the Petition of Direk Amerman and Tunis Johnson praying to be relieved against a bond put in suite for fishing at Rockaway Beach

Ordered, that Lewis Wood, John Aatre Jun^r and the Trustees for the town of Jamaica do appear before this Board on Thursday next.

At a Council held at Fort Anne in New York this 23th of May, 1709.

PREST — *The Honorable* RICHARD INGOLDSBY, Esq^r Lieutenant Governour,

Coll^o SCHUYLER,
M^r VAN DAM,
Coll^o HEATHCOTE,
Coll^o WENHAM,
M^r RENSELEAR,

M^r MOMPESSEON,
M^r BARBARIE,
Coll: PARETREE,
Cap^t PROVOST.

A Message from the Assembly that they have agreed to the Amendment made by this Board to the Bill Entituled, An Act to prevent the Transportation of Provisions but y^t they disagree to the second amendm^t but instead thereof have made another amendm^t which was read & agreed to by this Board.

Ordered, y^e Bill wth the said amendm^{ts} be past.

Att a Council held att Fort Anne in New York this 24th Day of May, 1709.

PRESENT — *The Honoble* RICHARD INGOLDSBY, Lieutenant Governour,

Coll SCHUYLER,
Coll HEATHCOTE,
M^r RENSLEAR,
Coll WENHAM,

M^r BARBERIE,
Coll PEARTREE.

Coll^o Wenham Reported from y^e Committee to whom the Bill Entituled, An Act for Regulating and Establishing fees was Committed y^t they have gone through the said Bill without any amendment.

The Petition of John Rayner Esq^r praying to have a copy of the s^d Bill and to be heard thereto before it pass was read & ordered to lye on the Table.

Ordered, y^t y^e Bill be read a third time w^{ch} being done it is

Resolved, y^t the Bill pass.

Ordered, y^t Coll Wenham do acquaint the assembly y^t this Board do agree to y^e s^d Bill wth out any amendment.

Ordered, y^t Coll Wenham do acquaint the assembly y^t this Board do agree to the amendment made by them to the Bill Entituled, An Act to prevent the Transportation of Provisions.

The Leiv^t Gov^r gave his assent to An Act for regulating and Establishing fees.

An Act for Levying six thousand pounds.

An Act to prevent selling or giving of rum or other strong liquors to the Indians in the County of Albany.

An Act to prevent the transportation of Provisions.

Att a Council held at Fort Anne in New York, this 3^d Day of June, 1709.

PRESENT — *The Honoble* RICHARD INGOLDESBY, Esq^r, Lieutenant Governour,

Coll BEEKMAN,
Coll WENHAM,
M^r RENSLEAR,
M^r BARBARIE,

M^r PHILLIPSE,
Coll^o PARETREE,
Cap^t PROVOST.

The Bill Entituled, An Act for Levying an Excise on all Liquors Retailled in this Colony was read Twice and Committed to the Gentlemen of this Board or any five of them.

At a Council held att Fort Anne in New York, this 4th Day of June, 1709.

PRESENT — *The Honoble* RICHARD INGOLDESBY, Esq^r, Lieutenant Governor,

M^r VAN DAM,
Coll^o WENHAM,
M^r RENSLEAR,

M^r BARBARIE,
Coll^o PARETREE,
Cap^t PROVOST.

The Bill Entituled, An Act to Detach four hundred & Eighty seven men their officers Included out of this Collony being sent up from y^e assembly was read Twice & Committed to y^e Gentlemen of this Board or any five of them.

At a Council held at New York, this 6th Day of June, 1709.

PRESENT — *The Honoble* RICHARD INGOLDESBY, Esq^r, Lieutenant Governour,

M^r BEEKMAN,
M^r VAN DAM,
Coll WENHAM,
Coll RENSLEAR,

M^r BARBARIE,
M^r PHILLIPSE,
Coll PARETREE,
Cap^t PROVOST.

Thomas Wenham Esq^r Chairman of the Committee to whom the Bill Entituled, An Act to Detach four hundred and Eighty Seven men their Officers included out of this Colony was Committed Reported y^t they have gone through y^e Bill & made Severall Amendments thereto w^{ch} were Read and agreed to

And y^e Bill being read a third time wth y^e Amendments is past.

Ordered, y^t Coll^o Wenham do Carry the Said Bill to y^e Assembly and acquaint them y^t this Board do agree to y^e Said Bill wth Some Amendm^{ts} to w^{ch} they Desire y^e Concurrence of y^t house

At a Council held in New York, this 6th Day of June, 1709, in y^e Afternoon.

PRESENT — *The Honorable* RICHARD INGOLDESBY Esq^r, Lieutenant Governour,

Mr BEECKMAN,
Mr VAN DAM,
Coll WENHAM,
Mr RENSELEAR,

Mr BARBARIE,
Coll: PARETREE,
Cap^t PROVOST.

Resolved, y^t this Board do adhere to all their Amendments made by them to the Bill Entituled, An Act to Detach four hundred Eighty Seven men their officers inclosed out of this Colony

Ordered, y^t Cap^t Provost do desire a Conference with y^e Assembly Immediately at the Coffee house on the Subject matter of y^e Amendments made by them to the S^d Bill

At a Council held in New York, this 7th day of June, 1709.

PRESENT — *The Honorable* RICHARD INGOLDESBY Esq^r Lieutenant Governour,

Mr VAN DAM,
Coll WENHAM,
Mr RENSELEAR,

Mr BARBERIE,
Coll PARETREE,
Cap^t PROVOST.

This Board do appoint the Conference desired by y^e Assembly on the Subject matter of y^e Last Conference to be Immediately at the Coffee house

And that Mr Barberie acquaint the Assembly therewith

Ordered, y^t Cap^t Provost do go to the Assembly and desire a free Conference wth them at four a clock this afternoon at the Coffee house on y^e Subject matter of y^e last Conference

At a Council held at New York, this 7th day of June, 1709.

PRESENT — *The Honorable* RICHARD INGOLDESBY Esq^r, Lieutenant Governour,

Mr VAN DAM,
Coll^o WENHAM,
Mr BARBARIE,

Mr PHILLIPS,
Coll^o PARETREE,
Cap^t PROVOST.

Coll^o Wenham from the Committee appointed for a free Conference on y^e Subject matter of y^e 4th 11th 13th Amendm^{ts} made by them to the Bill Entituled, An Act to Detach four Hundred and Eighty Seven men their officers included in this Colony Reported the Subject matter of y^e s^d free Conference and finding y^t they Could not gain the Committee of y^e Assembly to agree to the said Amendments.

This Board do *Resolve* to p^rvent the delay & obstructions y^t will naturely arrise to this Expedition by not receding from y^e s^d amendments y^t they do recede from y^e said 4th 11th & 13th amendm^{ts} and y^t Mr Van Dam do acquaint y^e Assembly therewth.

The Leiv^t Gov^r assented to the Bill Entituled, An Act to Detach four hundred Eighty seven men their officers included in this Colony the Assembly being present

At a Council held at New York, this 21st day of June, 1709.

PRESENT— *The Honorable RICHARD INGOLDESBY, Esq^r, Lieutenant Governour,*

*Mr VAN DAM,
Coll WENHAM,
Mr MOMPESSON,
Mr BARBERIE,*

*Mr PHILIPSE,
Coll PEARTREE,
Cap^t PROVOST.*

Ordered, that Mr Wenham do goe to the assembly and desire them to joyn with this Board in an address to her Majesty and that they appoint a Committee to meet a Committee of this Board to draw up the same.

Ordered, that Mr Van Dam, Coll Wenham, Mr Barberie, Mr Philipse and Cap^t Provost or any Three of them be a Committee for that purpose.

Ordered, that Colonell Wenham do desire the house of Representatives to joyn with this Board in a Request to Cap^t Gordon of her Majestys ship Lawestalle to stay fourteen days whereby the Governm^t may be able to Transmitt to her Majesty an account of their proceedings with Relation to the Expedition & an address & that they appoint a Committee for y^t purpose to joyn with a Committee of this Board which is y^e Same before appointed

Mr Barberie Reported from the Committee to whom the Bill Entituled, An Act for the Beter Settlement & Assureance of Lands in this Colony was Committed y^t they have gone through the said Bill & made Some Amendments thereto which Being Read were agreed to by this Board.

The Cheife Justice haveing proposed another amendment it is agreed to and is as followeth

Page the 2^d line the 5th after the word [notwithstanding] add these words [*Saveing her Majestys Right*].

The Governour assented to these Bills following the assembly being present.

An Act for Levying four Thousand pounds.

An Act to Relieve Assessors.

Ordered, that Mr Van Dam Do go to the Assembly and desire them to provide for and settle a Post from Albany to West field for holding a Correspondence Between Boston & Albany for the service of the present Expedition the Province of Massachusetts Bay haveing already settled a Post from Boston to West field.

Att a Council held in New York this 23^d day of June, 1709.

In the absence of the Lieutenant Governour

PRESENT—

*Mr VAN DAM,
Coll WENHAM,
Mr BARBERIE,*

*Coll PEARTREE,
Cap^t PROVOST.*

Coll Wenham being absent

Ordered, that Cap^t Provost do desire the Assembly to appoint a Comittee of their house to meet a Comittee of this Board att five a Clock this allternoon in the Court Room att the City hall to Conferr about Severall matters Relateing to the Present Expedition Any three of this Board to be a Committee for that purpose.

Att a Council held in New York this 25th day of June, 1709.

In the absence of the Lieutenant Governour

PRESENT—

*Mr VAN DAM,
Coll WENHAM,
Mr BARBERIE,*

*Mr PHILIPSE,
Coll PEARTREE,
Cap^t PROVOST.*

Ordered, that Cap^t Provost do go to the Assembly and acquaint them that this Board do desire a Conference with them Immedeatly at the Coffee house concerning their adjourning till August next before they do adjourn till that time her Majestys Especiall service requireing Such a Conference therein

[IN EXECUTIVE SESSION.]

At a Council held in New York this 18th day of August, 1709.

PRESENT — *The Honorable* RICHARD INGOLDESBY, Esq^r, Lieutenant Governour,
 Coll^o BEEKMAN, Mr BARBERIE,
 Coll^o WENHAM, Mr PHILLIPSE,
 M^r MOMPESON, Coll^o PARETREE,
 Cap^t PROVOST.

The Lev^t Gov^r acquainted this Board that yesterday the Speaker was with him and acquainted him that there were not enough of the Assembly in Town to make a house and desiring his honour to adjourn them for a fortnight he recommend the Same to this Board for their opinion therein who advise his honour to adjourn them for a fortnight

Whereupon it is

Ordered, y^t a Proclamation be Issued for adjourning the assembly to Thursday y^e first day of Septemb^r next.

TWELFTH ASSEMBLY SECOND SESSIONS.

Att a Council held in New York, this 8th day of Septemb^r, 1709.

PRESENT — *The Honorable* RICHARD INGOLDESBY, Esq^r, Lieutenant Governour,
 Coll^o BEEKMAN, M^r MOMPESON,
 M^r VAN DAM, Mr PHILLIPSE,
 Coll^o WENHAM, Cap^t PROVOST.

The Bill Entituled, An Act to prevent the Removeall of Actions of Twenty Pounds from the Mayors Court of New York & other Courts was Read the first time and ordered to be Read a Second time.

Att a Council held att New York, this 12th day of September, 1709.

PRESENT — *The Honorable* Lieutenant Governour,
 R. VAN DAM, }
 R. MOMPESON, } Esq^{rs}
 J. BARBERIE, }
 ADOLPH PHILLIPSE, }
 Coll^o PARETREE, } Esq^{rs}
 Cap^t PROVOST, }

This Board do Recommend to the Assembly the account of M^r Thomas Cockerill for Messengers and necessarys for them sent to the five Nations on the Treaty of Peace between them and the Waganaes that house haveing resolved to provide fifty Pounds for the payment thereof.

At a Council held att New York, this 15th day of Septemb^r, 1709.

PRESENT — *The Honorable* RICHARD INGOLDESBY, Esq^r, Lieutenant Governour,
 M^r BEEKMAN, M^r PHILLIPSE,
 M^r VAN DAM, Coll^o PARETREE,
 M^r MOMPESON, Cap^t PROVOST.

The Bill Entituled, An Act for Reviving An Act of Gen^l Assembly entituled, An Act for y^e Better Settling the Militia of this Province & makeing it more usefull for the Security & Defence thereof being Read Twice was Committed to the Gentlemen of this Board or any five of them.

Ordered, y^t M^r Van Dam do carry to the house of Representatives the Bill Entituled, An Act for the Bett^r Settle^mt & Assu^rance of Land in this Colony and acquaint them that this Board do agree to y^e same with some amendm^{ts} to w^{ch} they desire the Concurrence of that house.

Ordered, y^e M^r Van Dam do carry to the assembly severall Letters and other Papers rec^d by the Lev^t Gov^r from the Camp att the Wood Creek and other places towards the frontiers and acquaint them that his honour has sent them to them for their perusall.

The Bill Entituled, An Act to Prevent the Removall of actions of Twenty pounds from the Mayors Court of New York & other Courts was Read a Second time and Committed to the Gentl of this Board or any five of them.

Att a Councill held in New York, this 16th day of Septemb^r, 1709.

PRESENT — *The Honoble* RICHARD INGOLDESBY, Esq^r, Lieutenant Governour,

M^r VAN DAM,
M^r MOMPESON,
M^r PHILLIPSE,

Coll^o PEARTREE,
Cap^t PROVOST.

Rip Van Dam Esq^r Chairman of the Committee to whom the Bill Entituled, An Act for Reviving An Act of Generall Assembly Entituled, An Act for the Better Settling y^e Militia of this Province and makeing it more usefull for the Security and Defence thereof was Committed Reports that they have Gone through the said Bill and made some amendments thereto which were read & agreed to.

And the Bill being read the third time is past with amendm^{ts}

Ordered, y^t M^r Van Dam do carry the said Bill with y^e amendments to the house of Representatives and desire their Concurrence thereto

Att a Councill held in New York y^e 19th day of September, Anno Dom, 1709.

PRESENT — *The Honoble* RICHARD INGOLDESBY, Esq^r Lieutenant Governour,

RIP VAN DAM,
ROGER MOMPESON, } Esq^{rs}
ADOLPH PHILLIPSE, }

WILLIAM PARETREE,
DAVID PROVOST.

A Message was brought by M^r Tallman from y^e Assembly that the house had agreed to y^e amendm^{ts} made by this house to the Bill Entituled, An Act for Reviving An Act of Gen^l Assembly Entituled An Act for y^e Better Settling the Militia of this Province & makeing it more usefull for y^e security of y^e Defence thereof.

Att a Councill held in New York y^e 20th day of September, Anno Dom, 1709.

PRESENT — *The Honoble* RICHARD INGOLDESBY, Esq^r Lieutenant Governour,

RIP VAN DAM,
ROGER MOMPESON, }
ADOLPH PHILLIPS, }

WILLIAM PARETREE,
DAVID PROVOST.

Ordered, M^r Secretary acquaint y^e Assembly that his Honour Y^e Lev^t Gov^r desires the attendance of y^t house in order to Publish An Act of Assembly Entituled An Act for Reviving An Act of Gen^l Assembly Entitled An Act for the bet^r Settling the Militia of this Province & makeing it more usefull for the security & Defence thereof the house attended accordingly & the L^t Gov^r Gave his Assent to the said Act which was forthwith Published in y^e usuall manner.

The Assembly presented an Address to his Honour for Recalling y^e forces from the frontiers &c

Att a Council held att New York on Wensday y^e 21st day of Septemb^r, 1709.

PRESENT — *The Honoble* RICHARD INGOLDESBY, Esq^r Lieutenant Governour,
 R^{IP} VAN DAM,
 ROGER MOMPESON,
 ADOLPH PHILLIPSE,
 WILLIAM PEARTREE,
 DAVID PROVOST.

A Bill Entituled, An Act to Enable Justices of y^e Peace to Chuse Assessors & Collectors in Case of Death was read Twice & Committed to y^e Gent of y^e Board or any five of them

A Bill Entituled, An Act for laying Duty on the Tonnage of Vessells & Slaves was read Twice & Committed to y^e Gentlemen of this Board or any five of them

Att a Council held att New York on Thursday y^e 22^d of September, Anno Dom., 1709.

PRESENT — *The Honoble* RICHARD INGOLDESBY, Esq^r Lieutenant Governor,
 GERRORDUS BEEKMAN, }
 ROGER MOMPESON, } Esq^{rs}
 ADOLPH PHILLIPSE, }
 WILLIAM PARETREE,
 DAVID PROVOST,
 R^{IP} VAN DAM.

A Message from y^e house by M^r Hardenbrook acquainting this Board y^t the house have appointed a Committee in Conjunction with a Committee of this Board on the Subject matter of their Message

Ordered, y^t the Gent of this Board or any five of them be a Committee in a Conjunction with y^e Committee of y^e house to Conferr on y^e Subject Matter of y^e said Message to Meet this afternoon att y^e New Coffee house at four a clock &

Ordered, that M^r Provost carry y^e said Message to thee

Att a Council held in New York this 24th day of Septemb^r, 1709.

PRESENT — *The Honoble* RICHARD INGOLDESBY, Esq^r Lieutenant Governour,
 M^r VAN DAM, }
 M^r MOMPESON, }
 M^r PHILLIPSE, }
 Coll^o PARETREE,
 Cap^t PROVOST.

M^r Provost reported from the Committee to whom the Bill Entituled An Act to prevent y^e Exportation of y^e Gold & Silver Coin out of this Colony was Committed that they have gone through y^e said Bill & made severall amendm^{ts} thereto which were Read and agreed to by the Board and

The Bill being read a third time is past with the amendments

Ordered, that Cap^t Provost do carry y^e said Bill with the Amendments to the Assembly and desire their Concurrence thereto.

M^r Van Dam reported from the Committee to whom the Bill Entituled An Act for Laying a Duty on the Tonnage of Vessells and Slaves was Comitted that they have gone through y^e said Bill without any amendm^t

Which Bill was read a third time & agreed to By the Board

Ordered, y^t M^r Provost do acquaint the Assembly that this Board do agree to y^e s^d Bill without any amendment

M^r Mompesson reported from the Committee to whom the Bill Entituled, An Act to Enable the Justices of y^e Peace to Chuse Assessors & Colectors in case of Death that they have gone through the said Bill without any amendment

Which Bill being Read a Third time is agreed to without amendm^t

Ordered, that M^r Provost do acquaint the Assembly that this Board do agree to y^e said Bill without any amendment

The Seery *Ordered* to Command the attendance of the Assembly here immediately

A Message from the Assembly that they agree to the amendm^{ts} made by this Board to the Bill Entituled, An Act to prevent the Exportation of y^e Gold and Silver Coin out of this Colony

The Assembly being come his honour assented to these two following Bills

An Act for Laying a Duty on the Tonnage of Vessells & Slaves

An Act to Enable the Justices of the Peace to Chuse Assessors & Collectors in Case of Death

At a Councill held att New York, this 26th day of Septemb^r, 1709.

37

Mr Mompesson Reported from the Committee to whom the Bill Entituled, An Act for Levying divers sums of Money for defraying the Charge of this Colony was Committed, Reported that they have gone through the s^d Bill wthout any Amendm^t

Which Bill being read a Third time is past.

Ordered, y^t Mr Mompesson do acquaint the Assembly that this Board do agree to the said Bill without any amendment.

Roger Mompesson Esq^r Chairman of the Committee to whom the Bill Entituled, An Act for the Treasurer praying Certain Sums of Money was Committed, Reported that they have gone through the said Bill without any amendm^t.

Which Bill being read a Third time is past.

Ordered, y^t Mr Mompesson do acquaint the Assembly that this Board do agree to the said Bill without any amendm^t.

Att a Council held att New York, y^e 11th day of October, 1709.

PRESENT— *The Honoble* RICHARD INGOLDESBY, Esq^r, Lieutenant Governour,

Coll^o HEATHCOTE,

Mr MOMPESON,

Mr BARBERIE,

Mr PHILLIPSE,

Coll^o PEARETREE,

Cap^t PROVOST.

The Assembly being Prsent the Liv^t Gov^r in a Speech Recommended to them the Repairs of y^e florts & flortifications att Albany, Schonectady & New York and then gave his assent to these following Bills

An Act for Reviveing An Act for Enconraging of Seamen

An Act to Prevent the removall of Actions of Twenty Pounds from y^e Mayors Court of New York & other Courts

An Act for Levying divers Sums of money for defraying the Charge of this Colony

An Act for the Treasurer's paying Certain Sums of money.

Att a Council held in New York, this 12th day of Octob^r, 1709.

PRESENT— *The Honoble* RICHARD INGOLDESBY, Esq^r, Lieutenant Governour,

Coll^o HEATHCOTE,

Mr MOMPESON,

Mr BARBERIE,

Cap^t PROVOST.

The Assembly presented an Address to the Lev^t Gov^r for placing the Queens forces att Albany and the places thereabouts for the Defence of the flronteers this Winter.

Att a Council held att New York this 13th day of Oct^r, 1709.

PRESENT— *The Honoble* RICHARD INGOLDESBY, Esq^r, Lientenant Governour,

Mr BEEKMAN,

Mr VAN DAM,

Coll HEATHCOTE,

Mr BARBERIE,

Mr PHILLIPSE,

Coll^o PARETREE,

Cap^t PROVOST.

The Liv^t Gov^r having again Communicated to this Board the Address presented to him yesterday by the Assembly and the subject matter thereof having been debated The Liv^t Gov^r is of opinion That all the men belonging to her Majesties Companys in this Province who are well and able to do Duty be left att Albany for the Defence of the flronteers this Winter that the Invalids be sent from thence to New York for the better recovery of their Health and when they are recovered to do duty in this Fort and that to Prevent any abuse in the sending Down Sicke men none shall be sent from Albany unles he has a Certificate from the Mayor there of his Indisposition but all this to be on Condition that the Assembly provide wood and Candles for her Majesties Garrisons there & here for this Winter.

But the Majority of the Council being of opinion that all y^e Regular forces be Left att Albany for y^e Defence of the frontiers this Winter provided the Assembly or Inhabitants Lodge them in house for their accommodation & provide fire and candle for the Garrisons of Albany Schonectady & New York

Also cause a Suitable Number of the Militia to Strengthen the frontiers and that they take care that a Guard be kept in the fort of New York in a more Regular manner than has been hitherto observed and with more ease to the Inhabitants of this towne w^{ch} they desire his honour to Recommend to the Assembly

Cap^t Provost is Ordered to lay the same before the Assembly.

At a Council held att New York, this 19th day of Octo^r, 1709.

PRESENT — *The Honoble* RICHARD INGOLDESBY Esq^r, Lieutenant Governour,

Mr VAN DAM, }
Mr MOMPESON, }
Mr BARBERIE, }

Coll. PARETREE,
Cap^t PROVOST.

A Bill Entituled, An Act for the Assigning of Sherriffs being sent from the Assembly for the Concurrence of this Board, was Read twice and Committed to the Gentlemen of this Board or any five of them.

A Bill Entituled, An Act to determine Settle and Ascertain the Bounds and Limitts of the County of Orange being Sent from the Assembly for the Concurrence of this Board was read Twice and Committed to the Gentlemen of this board or any five of them

Att a Council held in New York, this 20th day of October, 1709.

PRESENT — *The Honoble* RICHARD INGOLDESBY Esq^r, Lieutenant Governour,

Mr BEEKMAN,
Mr VAN DAM,
Mr MOMPESON,

Mr BARBERIE,
Mr PHILLIPSE,
Coll^o PARETREE.

Ordered, y^t that the Secretary do Summon the Assembly to attend here Immediately they being accordingly Come the Lev^t Gov^r made a Speech to them acquainting them wth his Intention of going to Rode Island to the Congres & recommending to them to provide a Sūme of money to bear his Expences.

Att a Council held att New York, this 27th day of Octob^r, 1709.

PRESENT — *The Honoble* RICHARD INGOLDESBY Esq^r, Lieutenant Governour,

M BEEKMAN,
Mr VAN DAM,
Mr BARBERIE,

Mr PHILLIPSE,
Coll^o PARETREE,
Cap^t PROVOST.

A Message from y^e Assembly that they have past a Bill Entituled, An Act for the Currency of Bills of Creditts for four Thousand pounds to which they desire the Concurrence of this Board

Which Bill was Read Twice and Committed to the Gentlemen of this Board or any five of them.

And also a Message from y^e Assembly that they have past a Bill Entituled, An Act for Reviving An Act Entituled, An Act to prevent Selling or givein of Rum or other Strong liquors to the Indians in y^e County of Albany to which they Desire the Concurrence of this Board.

Which Bill was read Twice and Comitted to y^e Gentlemen of this Board or any five of them

And also a Message from the Assembly y^t they have past an Bill Entituled, An Act to repeal An Act of Gen^l of Assembly Entituled, An Act to oblige Robert Livingston to account according to the Perport of An Act Entituled, [An Act] appointing and Enabling Comm^s to take and State the Publi^k Accounts of this Province to which they desire y^e Concurrence of this Board

Which Bill being read Twice is Committed to the Gentlemen of this Board or any five of them

Att a Councill held att New York, this 1st day of Nov^r, 1709.

PRESENT — *The Honoble* RICHARD INGOLDESBY Esq^r, Lieutenant Governour,

M^r VAN DAM,
M^r BARBERIE,
M^r PHILLIPSE,

Coll^o PARETREE,
Cap^t PROVOST.

Mr Van Dam Reported from y^e Committee to whom was Committed the Bill Entituled, An Act for reviving An Act Entituled, An Act to Prevent Selling or giving of Rum or other Strong liquors to y^e Indians in y^e County of Albany, y^t they have gone through y^e sd Bill without any Amendm^t

Which Bill being read a Third time is past

Ordered, y^e Mr Van Dam do acquaint y^e Assembly y^t this Board do agree to y^e Said Bill without any Amendment.

M^r Van Dam likewise reported from y^e Committee to whom was Committed the Bill Entituled, An Act to determine Settle and Asertain y^e Bounds and Limitts of y^e County of Orange that they have gone through y^e Said Bill without any Amendm^t

Which Bill being read a Third time is past.

Ordered, y^t Mr Van Dam do acquaint the Assembly y^t this Board do agree to y^e said Bill without any Amendment.

Mr Van Dam Reported from y^e Committee to whom was Committed The Bill Entituled, An Act to repeal An Act of Gen^l Assembly Entituled, An Act to oblige Robert Livingston to acc^t according to the Purport of An Act Entituled, [An Act] appointing and Enabling Commissioners to take and state y^e Publick Acco^{ts} of this Province, that they have gone through the Said Bill without any Amendment

Which Bill being read a Third time is past.

Ordered, y^t Mr Van Dam do acquaint y^e Assembly y^t this Board do agree to y^e said Bill without any Amendment.

Mr Van Dam Reported from y^e Committee to whom was Committeed the Bill Entitled, An Act for y^e Currency of Bills of Creditts for four Thousand Pounds, that they have gone through y^e s^d Bill without any Amendment.

Which Bill being read a Third time is past

Ordered, y^e M^r Van Dam do acquaint the Assembly that this Board do agree to y^e Said Bill without any amendment.

Mr Van Dam reported from y^e Committee to whom y^e Bill Entituled, An Act for y^e assigning of Sheriffs was Committed y^t they have gone through the s^d Bill without any amendment which Bill being read a Third time is past.

Ordered, y^e M^r Van Dam do acquaint the Assembly that this Board do agree to y^e Said Bill without Amendment

Mr Van Dam Reported from y^e Committee to whom was Comitted the Bill Entituled, An Act to Regulate the Sale of Goods, by Publick outcry, Auction or Vendue in y^e City of New York y^t they have gone Through y^e Said Bill & made Some Amendments thereto which were read & agreed to by this Board

Another Amendment to y^e said Bill being proposed was agreed to & follows page 2^d line 15 after the word vessells & before the word [or] incert these words [or parts thereof]

The Bill being read a third time is past

Ordered, that Mr Van Dam do Carry the Said Bill unto the Assembly and Acquaint them that this Board do agree to y^e Same with Some Amendments to which they Desire the Concurrence of that House.

The Bill Entituled, An Act for the City & County of Albany to pay y^e arrears due to their Representatives and for other uses Sent from y^e Assembly was read y^e first time and

Ordered, to be read a Second time

Att a Councill held att in New York this 4th day of November, 1709.

PRESENT — *The Honorable* RICHARD INGOLDESBY Esq^r, Lieutenant Governour,

Mr BEEKMAN,
Mr VAN DAM,
Mr RENSLEAR,
Mr BARBERIE,

Mr PHILLIPSE,
Coll^o PARETREE,
Cap^t PROVOST.

Ordered, y^t Cap^t Provost do desire the Assembly to appoint a Committee of their house to meet a Committee of this Board @ four a Clock this afternoon att y^e house of M^r Swift

to Consider of y^e Address prepared to be presented to her Majestie and y^t any three of y^e Gentlemen of this Board be a Committee for y^t Purpose

A Message from the Assembly with y^e Bill Entituled, An Act for Confirming Certain Lands to Coll Nicholas Bayard to which they desire the Concurrence of this Board

Which Bill being read Twice & Comitted to y^e Gentlemen of this Board or any five of them

The Bill Entituled, An Act for the City & County of Albany to Pay y^e Arrears due to their Representatives and for other uses was read a Second time & Committed to y^e Gentlemen of this Board of any five of them.

Att a Councill held att New York this 9th day of Nov^r, 1709.

PRESENT— *The Honoble* RICHARD INGOLDESBY Esq^r, Lieutenant Governour,

Mr VAN DAM,
Mr RENSLEAR,
Mr MOMPESSEON,

Mr BARBERIE,
Mr PHILLIPSE,
Coll^o PARETREE,
Cap^t PROVOST.

Mr Mompesson Reported from y^e Committee to whom y^e Bill Entituled, An Act for y^e City and County of Albany to pay the Arrears due to their Representatives and for other uses was Committed y^t they have gone through the s^d Bill and made some Amendm^{ts} thereto which were Read & agreed to a nother Amendment being Proposed is made (Viz^t) leave out the Titule of y^e Bill and in lieu thereof Incert these words [An Act for y^e benefitt of y^e Citys of New York and Albany and y^e County thereof

And y^e said Bill being read a third time is past with y^e amendm^{ts}

Ordered, that Mr Mompesson do Carry y^e said Bill to y^e Assembly & acquaint them y^t this Board do agree to y^e Said Bill with some Amendments to which they desire y^e concurrence of y^t house.

The Bill Entituled, An Act for more Ease of Trade was read Twice & Committed to the Gentlemen of this Board or any five of them

The Bill Entituled, An Act for Levying Ten thousand ounces of plate or fourteen thousand five Hundred forty five Lyon Dollars was read Twice and Committed to y^e Gentlemen of this Board or any five of them

The Draft of An Address to her Maj^{ty} being delivered from y^e Committee was read and agreed to with one Amendm^t

Ordered, that Mr Phillipse do Carry the Same to y^e Assembly and Recommend to them y^e filling up the Blanks therein to gett four or five fair Coppys thereof made and to take such other measures with respect thereto as they shall think Proper.

Att a Councill held att New York, this 10th day of Nov^r, 1709.

PRESENT— *The Honoble* RICHARD INGOLDESBY, Esq^r, Lieutenant Governour,

Mr BEEKMAN,
Mr VAN DAM,
Mr RENSLEAR,
Mr MOMPESSEON,

Mr PHILLIPSE,
Coll^o PARETREE,
Cap^t PROVOST.

Coll^o Schuyler took his place.

Ordered, that Provost do acquaint the Assembly that this Board do agree to the Conference desired by them on the amendm^{ts} made by this Board to y^e Bill Entituled, An Act for y^e City and County of Albany to pay the arrears due to there representatives &c for which this Board doe appoint three a Clock this afternoon att the Councill Chamber in y^e City Hall and y^t Mr Van Dam, Mr Renslear, Mr Mompesson, Mr Phillipse and Cap^t Provost be a Comittee for y^t Purpose.

Mr Mompesson Reported from y^e Committee to whom was Committed the Bill Entituled, An Act for Levying Tenn Thousand ounces of plate or fourteen thousand five Hundred forty five Lyon Dollars y^t they have gone through y^e said Bill without any amendment.

Which Bill was read a third time & past.

Ordered, y^t Cap^t Provost do acquaint y^e Assembly y^t this Board do agree to y^e said Bill without any amendment.

The Bill Entituled, An Act for an Assignment to y^e Lady Lovelace was read Twice & Committed to y^e Gentlemen of this Board or any five of them.

The Bill Entituled, An Act for y^e Currence of Bills of Creditts for Ten Thousand ounces of plate or fourteen thousand five Hundred forty five Lyon Dollars was read Twice and Committed to the Gentlemen of this Board or any five of them.

Att a Council held att New York, this 11th day of November, 1709.

PRESENT — *The Honoble* RICHARD INGOLDESBY, Esq^r, Lieutenant Governour,

Coll^o SCHUYLER,
M^r VAN DAM,
M^r RENSLEAER,
M^r MOMPESSEON,

M^r BARBERIE,
M^r PHILLIPSE,
Coll^o PARETREE,
Cap^t PROVOST.

M^r Phillipse Reported from y^e Committee to whom was Committed y^e Bill Entituled, An Act for Currency of Bills of Creditts for Tenn Thousand Ounces of Plate or fourteen thousand five Hundred forty five Lyon Dollars, y^t they have gone through the said Bill without any amendment.

Which Bill Being read a Third time is past without amendment.

Ordered, y^t M^r Phillipse do acquaint the Assembly y^t this Board do agree to y^e said Bill without any amendment.

M^r Phillipse reported from y^e Committee to whom was Committed the Bill Entituled, An Act for An Assignm^t to y^e Lady Lovelace y^t they have Gone through y^e said Bill without any amendment.

Which Bill being read a Third time is past without any amendment.

Ordered, that M^r Phillipse do acquaint y^e Assembly y^t this Board do agree to y^e said Bill without any amendment.

M^r Mompesson reported from y^e Committee to whom y^e Bill Entituled, An Act for y^e more Ease of Trade was Committed y^t they have made some Progress therein and desire leav to set again & have power to send for Persons papers and Records. It is

Ordered, accordingly.

The Committee of Each house haveing on a Conference made some amendm^{ts} to the Bill Entituled, An Act for y^e Citty and County of Albany to pay the arrears due to their Representatives & for other uses (instead of y^e amendments made before y^t to the said Bill) y^e same are agreed to by this Board and y^e Bill being read a third time is past with y^e said amendments.

The Bill Entituled, An Act for y^e Treasurers Issueing Bills of Creditt to pay the Present debt of y^e Expedition to Canada & other uses being read Twice is Committed to y^e Gentlemen of this Board or any five of them

Att a Council held att New York this 12th day of Nov^r, 1709.

PRESENT — *The Honoble* RICHARD INGOLDESBY, Esq^r, Lieutenant Governour,

Coll^o SCHUYLER,
M^r VAN DAM,
M^r RENSLEAR,
M^r MOMPESSEON,

M^r BARBERIE,
M^r PHILLIPSE,
Coll^o PARETREE,
Cap^t PROVOST.

The Bill Entituled, An Act for the Better Watching and guarding the City of Albany was Read Twice and Committed to the Gentlemen of this Board or any five of them

M^r Mompesson Reported from y^e Committee to whom the Bill Entituled, An Act for the Treasurers Issuing Bills of Creditt to pay the Present debt of the Expedition to Canada & other uses was Committed, that they have gone through the said Bill without any amendm^t

Which Bill being read a third time is past

Ordered, y^t M^r Van Dam do acquaint the Assembly y^t this Board do agree to the said Bill without any amendment.

M^r Van Dam Reported from y^e Committee to whom the Bill Entituled, An Act for the Better Watching and guarding the City of Albany was Committed that they have gone through the s^d Bill without any amendment

Ordered, y^t M^r Van Dam do acquaint the Assembly that this Board do agree to y^e s^d Bill without any amendment.

M^r Mompesson Reported from the Committee to whom the Bill Entituled, An Act for Confirming certain Lands unto Coll^o Nicholas Bayard was Committed that they have gone through the said Bill without any amendment.

Which Bill being read a third time is past.

A Message from y^e Assembly y^t they have past a Resolve, That the Humble Address of y^e Lev^t Governour Council and General Assembly of this Colony to the Queen representing the p^rsent State of this Colony be Committed to the Charge & Care of Coll^o Peter Schuyler to be presented by himself to her Secred Majestic, he being a person who not only in the last Warr

(when he Commanded the forces of this Colony in Cheife att Canada) and in the p'sent, has performed faithfull Service to this & the neighboring Colonys & behaved himself in the offices with which he has been Intrusted with good Reputation & y^e Generall Satisfaction of y^e People in these parts, to which Resolve his honour & this Board do unanimously concurr out of the Esteem they have of his good Services in all the Stations wherein he has acted, particularly for y^e Services he has done with respect to the five Nations of Indians by the great Influence he has on them.

His Honour having Sent for the Assembly & they being present he gave his Assent to these following Bills Viz^t

An Act to Determine Settle & Ascertain y^e Bounds & Limits of y^e County of Orange.

An Act for the Treasurer Issuing Bills of Creditts to pay the present debt of y^e Expedition to Canada and other uses.

An Act for y^e Bett^r Watching & Guarding y^e City of Albany.

An Act for y^e Currency of Bills of Creditts for Tenn Thousand ounces of Plate or fourteen Thousand five Hundred forty five Lyon Dollars.

An Act for Levying Tenn Thousand ounces of Plate or fourteen Thousand five hundred forty five Lyon Dollars.

An Act for y^e City & County of Albany to pay y^e arreers Due to their Representatives and for other uses

An Act to Repeal An Act of Gen^l Assembly Entitled, An Act to oblige Rob^t Livingston to acco^t according to y^e purport of one Act Entitled, An Act to appointing & Enabling Comm^{rs} to take & state y^e Publick acco^{ts} of this Province.

An Act for an Assignment to y^e Lady Lovelace.

An Act for Reviving An Act Entitled, An Act to Prevent Selling or giving of Rum or other Strong Liquors to the Indians in County of Albany.

Then his Honour adjourned the Assembly to the first Tuesday in March next

[IN EXECUTIVE SESSION.]

15 February 17⁹²₁₀

Ordered y^t Proclamations issue adjourning the Assembly to the fourth day of Aprill next

21 March 17⁹²₁₀.

Ordered that a Proclamation issue adjourning the Assembly for Ten days from the day they now stand adjourned to.

20 June 1710.

It is the opinion of this Board that the first day of September is the properest time for the Assembly of this Province to meet.

THIRTEENTH ASSEMBLY · FIRST SESSIONS.

At a Council held at ffort Anne in New York, this first day of September, 1710.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r &c.,

Coll D'PEYSTER,
Doctor STAATS,
Cap^t WALTER,

M^r VAN DAM,
M^r MOMPESON,
M^r BARBERIE.

The Clerk of the Assembly Informed his Excellency that but one of the Assembly has yet come to the City hall

Post Meridiem

At a Council held at ffort Anne in New York, this first day of September, 1710.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll DE PEYSTER,
Doctor STAATS,
Cap^t WALTER,

M^r VAN DAM,
M^r MOMPESON,
M^r BARBERIE.

The Clarke of the Assembly haveing acquainted his Excellency that there are sixteene of the Assembly at the City hall his Excellency sent the Secretary to Command their attendance in the Council Chamber Imediatley Whereupon they came and took the Oaths appointed to be taken Instead of y^e Oaths of Allegiance & Supremacey and tooke & Subscribed y^e Test and Abjuration Oath and then his Excellency Recommended to them to Choose a Speaker to be presented to him.

Then they Returned and presented William Nicoll Esq^r their Speaker whom his Excellency approved of

Then y^e Speaker desired his Excellency to have their usuall Priviledges allowed them to wit, That themselves & servants be free from arrests dureing y^e Sessions.

That they have free admission to his Excellencies person at all times concerning the affaires that may be before them

And freedome of Debate and a favourable Construction from his Excellency of their words and actions.

All which his Excellency promised them.

Then his Excellency made the following speech to them Which follows *in hæc verba*:

Gentlemen

It is with some concern that I speak to this house from a place of this Eminence being vnfeignedly Conscious to my self of my own vnworthyness and how vnequal I am to so great a Trust but Deriving that Honour from the best fountain from whence it has ever flowed, Least I also should too hastily Blame her Choice I make no other vse of that Humbling Reflection then as a Continued Motive to Double my Endeavours for the Publick welfare in the proportion that I fall short in Rank and Dignity of those Illustrious persons who have born this office before me which is doing her Maj^{ty} most effectual service her own way.

I shall trouble you no more with what relates to my self. As to what relates to you I am Confident that what I have to recommend wants neither Arts nor Arguments to enforce it being only your Duty your Interest and Common Justice that is to provide a Suitable Support for her Maj^{ty}s Government to take more Effectual Care of the Publick Safety and to Restore the Publick Credit in a great measure Lost. As to the first of these I am Commanded by her Maj^{ty} in a very Particular Manner to Recommend to you the Settling Such a Revenue and for such a Term as you your Selves who are the most competent Judges shall think Sufficient to answer y^e ends

In Relation to the present State of the publick Safety I must beg your Patience whilst I acquaint you with the Dismal view I have Lately had of our Danger whilst I was upon the Frontiers

I Received there two Pressing Letters from the Governor of New England at the Instance of that Assembly Secounded by y^e Court of Olicers there Representing the Cruelties & Barbarities Daly Committed by the french & french Indians upon their ffrontiers tho' Guarded by five

Hundred armed men whilst he was Raising One thousand for her Maj^{ty}s Immediate Service and begging that I would perswade our Indians who are in League with all her Maj^{ty}s Subjects to make a Diversion by Incursions & Reprisals upon those in the French Interest. then it was that I found that had it been Judged adviseable by the Commissioners of the Indian Affairs the only persons I had to advise withal or had the Indians Consented to Comply with the Desires of the Government of New England it was So far from Practicable that had these Incursions been made this way we were in a much worse Condition than they, to prevent a General Devestation that must have Ensued there being neither money in the Treasury nor Forts, or what is worse, then none noe arms or men for our Defence So that We are forced to rest Contented with a precarious Security under a Suspicious Neutrality that hath no firmer foundation then the Faith of Savages whilst our Neighbours Frontiers are on Fire and the Inhabitants Inhumanely Butchered.

This Considered I hope I need not Recommend to you what you must be Convinced is so absolutely Necessary that Immediate Care be taken so to put those fforts in Repair or build others in more Convenient Places That the Militia Act which is Immediately to Expire by its own Limitation be Renewed & what besides you shall Judge Necessary for your own Safety. As to Restoring the publick Creditt I shall beg Leave only to observe to you that Publick Debts are no other then the Just Demands of private men, So that you all are or may be in some measure Concerned in them, and as in Private Persons punctual Payment is not only a good Signe but sure means of Thriving I believe the Analogy will hold pretty just with relation to the state.

Her Maj^{ty} has Commanded me to Recommend to you the passing of Several Laws, Some of which have been heretofore Enacted but being Temporary are now Expired; particularly one Act for Returning able and Sufficient Jurors for the better Administration of Justice; An Act to prevent the Burning of Woods which is of very Evident Necessity at this time she haveing sent hither under my Care a great Number of Distressed Germens to be Employed here in the Production of Naval Stores which must in time prove a great addition of Wealth and Strength to this Province; as also An Act whereby the Creditors of Persons becoming Bankrupt in Great Britain and having Estates in this Province may be Relieved & satisfied for Such Debts This is but what is Just & honest and what nearly Concerns your Reputation, there lying a general Imputation upon the Provinces in America of protecting Bankrupts from the Just Demands of their Creditors Let us wash our Selves clean of it by Such a Law.

It has been a Practise formerly in this & other Plantations to make large Presents to their Governours by a Law for that purpose which was attended with many Inconveniencies; her Maj^{ty} has Commanded me to Let you know that no Law of that Nature is to be passed for the future.

For my own part I shall always be ready to advise & chearfully to Concur with you in whatsoever measures may be thought necessary for promoting y^e publick good, True Religion & Vertuous life which is y^e ultimate End of all Governm^t. You have but one common interest and & (sic) consequently ought to be of one minde; if any go about to Disturb your Peace by reviving buryed parties & piques or creating new ones they shall meet with no Countenance or Encouragem^t from me & I am sure they deserve as little from you.

At a Councill held at ffort Anne in New York, the Ninth day of September, 1710.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll D'PEYSTER,
Doctor STAATS,
Cap^t WALTER,
M^r VAN DAM,

M^r MOMPESSEON,
M^r BARBERIE,
M^r PHILLIPSE.

A Message from the Assembly by M^r Cuyler That they have past An Act for Reviveing An Act of Generall Assembly Entituled, An Act for better Settling y^e Militia of this Province & making it more usefull for y^e security & defence thereof.

Ordered, that the Bill be Read y^e first time Which being done

Ordered, That it be Read a Second time next sitting of this Board.

At a Council held at ffort Anne in New York, this 11th day of Sept^r, 1710.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll DE PEYSTER,
Cap^t WALTER,
M^r VAN DAM,

M^r MOMPESSEON,
M^r BARBERIE,
M^r PHILLIPSE.

Coll Schuyler took y^e Oaths appointed to be taken Instead of the Oaths of Allegiance and Supremacy and y^e Test and Abjuration oath together with y^e oath of Privy Councillor. And then hee tooke his place at y^e Board.

Her Majestie having thought fitt by her order in Council to Disallow & disapprove of An Act of Assembly formerly past in this Province for Regulateing and Establishing flees and by her Instructions to his Excellency to order him to Regulate & Settle y^e flees with the advice of the Council It is

Ordered, that y^e Secretary doe lay before y^e Assembly y^e said Order and Instructions and acquaint them that his Excellency has Referred the Consideration of y^e flees to a Committee of y^e Council and Directed them to Regulate the same that they may be Established by an Ordinance of his Excellency and Council, which he hopes will be done in such a manner as may be satisfactory to that house, and Entirely answer the End.

Ordered, that the ffive Accounts sent from Albany relateing to y^e officers that came from Canada last Winter with a flagg of Truce Amounting in y^e whole to ninety nine pounds four shillings and three pence be layd before y^e Assembly for their Consideration.

At a Council held at ffort Anne in New York, this 14th day of September, 1710.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll SCHUYLER,
Coll DEPEYSTER,
Doctor STAATS,
Cap^t WALTER,
Coll BEEKMAN,

M^r VAN DAM,
Coll HEATHCOTE,
M^r MOMPESSEON,
M^r BARBERIE,
M^r PHILLIPSE.

Ordered, That the Gentlemen of this Board or any ffive of them be a Committee to Regulate and Draw upp a Table of flees and to make their Report to this Board, and y^e said Committee to send for persons Papers & Records.

The Bill Intituled, An Act for Reviving An Act of Generall Assembly Entituled, An Act for better settleing y^e Militia of this Province & makeing it more usetull for y^e secur ty and defence thereof, was Read a second time and Committed to the Gentlemen of this Board or any ffive of them.

At a Council held at ffort Anne in New York this 18th day of September, 1710.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll SCHUYLER,
Coll DEPEYSTER,
Doctor STAATS,

Cap^t WALTER,
M^r MOMPESSEON,
M^r BARBERIE.

The Bill Entituled, An Act for y^e better settlement and assurance of Lands in this Colony Read the first time and ordered to be Read againe y^e next Council day

At a Council held at ffort Anne in New York this 21st day of September, 1710.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll SCHUYLER,
Doctor STAATS,
Coll BEEKMAN,

M^r MOMPESSEON,
M^r BARBERIE.

The Bill Intituled, An Act for the better settlement and assurance of Lands in this Colony was Read a Second time and Committed to the Gentlemen of this Board or any ffive of them.

Mr Van Dam & Mr Phillipse took their places at y^e Board.

Coll Depeyster too his place

A Message from y^e Assembly that they Desire this Board may appoint a Committee to Joine a Committee of that house to whom the Treasurers accounts are Referred

Ordered, that Mr Van Dam, Mr Barberie and Mr Phillipse or any two of them be a Committee for that purpose

Ordered, that Mr Barberie doe acquaint y^e Assembly that this Board doe appoint Mr Van Dam Mr Barberie and Mr Phillipse to be a Committee to Joine a Committee of that house to whom y^e Treasurers Accounts are Referred and that this Board doe appoint y^e meeting of the said Committee to be at y^e house of Mr Swift at three a clock in y^e afternoone on Saturday next.

At a Councill held at ffort Anne in New York this 25th day of September, 1710.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll SCHUYLER,
Doctor STAATS,
Cap^t WALTER,
Coll RENSELAER,

Mr MOMPESON,
Mr BARBERIE,
Mr PHILLIPSE.

Ordered, that y^e Committee appointed to Joyne y^e Committee of y^e Assembly on y^e Treasurers Acco^{ts} have power to send for Persons Papers and Records.

Coll Depeyster took his place at y^e Board.

Roger Mompesson Esq^r Chairman of y^e Committee to whom y^e Bill Intituled, An Act for y^e better Settlement & assuring of Lands in this Colony was Referred, Reported that they have gone through y^e said Bill and made some amendments thereto Which hee Read in his place and afterwards Delivered in at y^e Table where y^e same were Read & agreed to by y^e Board.

And the Bill being Read a Third time with y^e Amendments Past y^e Councill.

Mr Mompesson Enters his Dissent to y^e Passing y^e said Bill.

Ordered, That Coll Depeyster doe carry y^e said Bill to y^e Assembly and acquaint them that this Board have agreed to y^e same with some amendments to which they Desire their Concurrence.

At a Councill held at ffort Anne in New York, this 12th day of October, 1710.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll SCHUYLER,
Coll DEPEYSTER,
Doctor STAATS,

Mr VAN DAM,
Mr MOMPESON,
Mr PHILLIPSE.

A Message from y^e Assembly that they have past a Bill Intituled, An Act for y^e more Ease of Trade to which they desire y^e concurrence of this Board.

Which Bill being Read y^e first time is ordered to be Read a Second time next Councill day.

A Message from y^e Assembly that they have past a Bill Entituled, An Act for laying an Exeise on all strong Liquors Retaild in this Colony to which they desire y^e Concenrence of this Board.

Which Bill being Read the first time is ordered to be Read a Second time next Councill day.

Roger Mompesson Esq^r Chairman of y^e Committee to whom the Bill Entituled, An Act for Reviveing An Act of Generall Assembly Entituled, An Act for better Settling y^e Militia of this Province & making it more usefull for y^e Security and Defence thereof was Committed, Reported that they have gone through y^e same and made an amendment thereto Which hee Read in his place and afterwards delivered in at the Table where y^e same was Read & Agreed to by y^e Board.

Then y^e Bill being Read the Third time with y^e Amendments was agreed to & past.

Ordered, that Mr Mompesson doe Carry y^e Bill to y^e Assembly and Acquaint them that this Board doe Agree thereto with an amendment to which they desire y^e Concurrence of that house.

A Message from y^e Assembly That they have Agreed to y^e Amendments made by this Board to y^e Bill Entituled, An Act for y^e better Settlement & Assurance of Lands in this Colony.

Mr Mompesson Chairman of the Committee to whom it was Referred to prepare a Table of fees Reported that they have Accordingly prepared such a Table Which hee Delivered to this Board where y^e same was Read and with some amendments agreed to by this Board.

Ordered, That y^e Attorney Generall doe forthwith prepare An Ordinance for Establishing y^e said fees.

A Message from y^e Assembly that they have past a Bill Entituled, An Act for Reviveing An Act Entituled, An Act for y^e Regulateing & Returneing able and Sufficent Jurors in Tryalls at Law to which they Desire the Concurrence of this Board.

Which Bill was Read the first time and ordered to be Read a second time next Councill day.

At a Councill held at ffort Anne in New York, this 14th day of October, 1710.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll SCHUYLER,
Coll DEPEYSTER,
Capt WALTER,

Coll RENSELAER,
M^r MOMPESSEON.

The Bill Intituled, An Act for Laying an Excise on all Strong Liquors Retailled in this Colony Read a second time and ordered to be Committed to the Gentlemen of this Board or any five of them.

The Bill Intituled, An Act for Reviveing An Act Entituled, An Act for y^e Regulateing and Returneing able and Sufficent Jurors in Tryalls at Law Read a second time & Referred to a Committee of this Board or any five of them.

The Bill Entituled, An Act for y^e more Ease of Trade Read y^e second time & Referred to a Committee of this Board or any five of them.

A Message from y^e Assembly by Lieu^t Coll Schuyler That y^e Assembly have Agreed to y^e Amendments made by this Board to y^e Bill Entituled, An Act for Reviveing An Act of Generall Assembly Entituled, An Act for better Settling y^e Millitia of this Province and makeing it more usefull for y^e Security & defence thereof.

At a Councill held at ffort Anne in New York the 18th day of October, 1710.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll SCHUYLER,
Coll DE PEYSTER,
Doctor STAATS,

M^r VAN DAM,
Coll RENSELAER,
M^r MOMPESSEON.

M^r Mompesson, Chairman of y^e Comittee to whom the Bill Entituled, An Act for laying an Excise on all Strong Liquors retailled in this Colony was Referred Reported that they had gone through the Same and agreed to it without any Amendments.

Then the Said Bill was Read the Third time and passed this Board.

M^r Mompesson Chairman likewise of the Committee to whom the Bill Entituled, An Act for Reviveing An Act Entituled, An Act for the Regulateing and Returneing able & Sufficent Jurors in Tryalls at Law was Referred, Reported that they had gone through the Same and agreed to it without any Amendments

Then the Said Bill was Read the third time and passed this Board.

The Bill Entituled, An Act for Continuing An Act for Laying a Duty on the Tonnage of Vessells & Slaves Read the first time and Ordered a Second Reading

The Bill Entituled, An Act for Enabling the Supervisors of Queens County to Sell the Old County hall and Prisons and to confirme their late Purchase of New ones, Read the first time and Ordered to be Read a Second time.

The Bill Intituled, An Act for Continuing An Act for laying a Duty on the Tonage of Vessells & Slaves Read a Second time and Committed to the Gentlemen of this Board or any five of them.

The Bill Entituled, An Act for Enabling the Supervisors of Queens County to Sell the Old County hall and Prisons and to Confirme their late Purchase of New ones, Read the Second time and Committed to the Gentl of this Board or any five of them.

Ordered, that M^r Mompesson doe Carry the Bill Entituled, An Act for laying an Excise on all Strong Liquors Retailled in this Colony to the Assembly and Acquaint them that this Board have Agreed to the Same without any amendments

Ordered, That M^r Mompesson doe Carry the Bill Intituled, An Act for Reviveing An Act Entituled, An Act for the Regulateing and Returneing Able and Sufficent Jurors in Tryalls nt Law, to the Assembly and Acquaint them that this Board have Agreed to the Same without any Amendments.

At a Council held at ffort Anne in New York this 19th day of October, 1710.

PRESENT — *His Excellency* ROBERT HUNTER, Esq^r, &c.,

Coll D'PEYSTER,
Doctor STAATS,
M^r VAN DAM,

Coll HEATHCOTE,
Coll RENSELAER,
M^r MOMPESSEON.

M^r Bickley layd before this Board a Draught of An Ordinance for Regulateing and Establishing fees Which was Read and with Some Amendments made thereto Ordered to be Ingrossed

M^r Phillipse took his place

Rip Van Dam Esq^r Chairman of y^e Comittee to whom the Bill Intituled, An Act for Continuing An Act for laying a Duty on the Tonnage of Vessells and Slaves was Comitted Reported that they have gone through the said Bill and made Some Amendments thereto Which hee Read in his place and afterwards delivered the Same in at the Table where the Same was Read and Agreed to with y^e Amendments.

Ordered, That M^r Van Dam doe Carry the Said Bill to the Assembly and Acquaint them that this Board doe Agree thereto with Some Amendments to which they desire their Concurrence

Ordered, That M^r Van Dam doe desire the Assembly that the Conveyance mentioned in the Bill Intituled, An Act for Enabling the Supervisors of Queens County to Sell the old County hall and Prisons and to Confirme their late Purchase of New ones togeather with what Papers they have Relateing to the said Bill be layd before y^e Comittee of this Board to whom the said Bill is Comitted.

At a Council held at ffort Anne in New York, this 21th day of October, 1710.

PRESENT — *His Excellency* ROBERT HUNTER, Esq^r, &c.,

Coll SCHUYLER,
Coll DE PEYSTER,
Doctor STAATS,

Cap^t WALTER,
Coll RENSELAER,
M^r PHILLIPSE.

A Message from y^e Assembly by M^r Johnson that they have past a Bill Entituled, An Act to Repeale a Clause in An Act Entituled, An Act ag^t fforgering Counterfeiting & Clipping of fforeign Coine which is Current money in the Colony of New York to which they desire y^e Concurrence of this Board.

Which Bill was read the first time and ordered to be Read a second time.

At a Council held at ffort Anne in New York, this 26th day of October, 1710.

PRESENT — *His Excellency* ROBERT HUNTER, Esq^r, &c.,

Coll SCHUYLER,
Coll D' PEYSTER,
Doctor STAATS,
Coll BEEKMAN,

Coll RENSELAER,
M^r MOMPESSEON,
M^r BARBERIE,
M^r PHILLAPSE.

A Message from y^e Assembly by M^r Tenycke That they have passed a Bill Entituled, An Act for the more Ease of her Majesties Subjects in this Colony To which they desire the Concurrence of this Board.

Which Bill was Read y^e first time and ordered a second Reading.

A Letter Directed to Coll Schuyler Relateing to the Repairing the ffortifications of Schinectady layd before his Excellency and this Board As also a Report from the Commissioners of the Indian Affaires at Albany Relateing to a smith to be Continued in the Onida's Country and what Tools will be Requisite that hee be supplied with for that purpose; This Board being of opinion the same are highly necessary to be done.

Ordered, That Coll Schuyler doe lay y^e same before the Assembly for their Consideration.

At a Council held at ffort Anne in New York, this 28th October, 1710.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll SCHUYLER,
Coll D'PEYSTER,
Doctor STAATS,
Cap^t WALTER,

Coll RENSELAER,
M^r MOMPESON,
M^r BARBERIE,
M^r PHILLIPSE.

His Excellency acquainted this Board that by the votes of the Assembly of the 25th Instant hee findes they have Resolved Two thousand five hundred ounces of Plate be Levyed and raised towards defraying his necessary Expense for One yeare, That y^e Queene by her Instructions haveing assigned Twelve hundred pounds Sterling £ ann for the Governor's Salary here; His Excellency proposed sending for the Assembly and Acquainting them with those Instructions which was agreed to and they were likewise of opinion 'twill be proper to Give them a Copy thereof.

The Bill Entituled, An Act to Repeale a Clause in An Act Entituled, An Act Against fforgering Counterfeiting & Clipping of fforeigne Coin which is Current money in the Colony of New York being Read a second time is Committed to the Gentlemen of this Board or any ffive of them.

M^r Van Dam took his Place

The Secretary by his Excellencies Command Required the Assemblys Attendance in y^e Council Chamber and they Attended Accordingly.

His Excellency told them y^e Occasion of his requiring their Attendance at this time is a vote of their house of the 25th Instant wherein they Resolved That Two thousand five Hundred Ounces of Plate be Levyed and raised towards defraying his Expence for one yeare which he Read to them and afterwards her Maj^{ties} Instructions for the Governor to take to himselfe Twelve hundred pounds Sterling £ ann out of the Revenue for his Sallary; by Revenue he meant Such money as is or shall be Raised for the Support of the Government Whereupon his Excellency Acquainted them that as hee cold not Accuse his Actions or even his thoughts of anything that may demerit a vote of that nature from them soe he is very much Concerned that he is Distinguished soe much thereby from former Governors. That he hoped noe man would goe about to Dispute the Right the Queene has of appointing a Salary to her Governour, and then Delivering the Speaker a Copy of the aforesaid Instructions hee desired the house to Consider thereof.

At a Council held at ffort Anne in New York, this 30th day of October, 1710.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll SCHUYLER,
Coll D'PEYSTER,
Doctor STAATS,
Cap^t WALTER,
M^r VAN DAM,

Coll RENSELAER,
M^r MOMPESON,
M^r BARBERIE,
M^r PHILLIPSE.

M^r Mompesson Chairman of y^e Committee to whom the Bill Intituled, An Act to Repeale a Clause in An Act Entituled, An Act ag^t fforgering, Counterfeiting and clipping of fforeigne Coin which is Current money in the Colony of New York Reports that they have gone through the Same without Any Amendments.

Ordered, that the Said Bill be Read the third time.

Which was Accordingly Read & Agreed to by this Board.

Ordered, That M^r Mompesson doe Carry the Said Bill to the Assembly and Acquaint them that this Board doe Agree to the Same without any Amendments

A Message from y^e Assembly that they Cannot Agree to y^e Amendments made by this Board to the Bill Entituled, An Act for Continuing An Act for laying a Duty on the Tonage of Vessells & Slaves

Resolved, that this Board doe Recede from their Amendments to the said Bill

His Excellency haveing sent the Secretary to Command y^e Attendance of y^e Assembly they Came

Then his Excellency told them that Severall Bills haveing past their house and y^e Council lay ready for his Assent, and then assented to these following Bills Enacting the Same and Ordering them to be Eurolled viz^t

An Act for Reviveing An Act of Generall Assembly Entituled, An Act for better Settling the Militia of this Province and making it more usefull for the Security and defence thereof.

An Act for Reviveing An Act Entituled, An Act for the Regulateing & Returning able and Sufficient Jurors in Tryalls at law

An Act for laying An Excise on all Strong Liquors retailed in this Colony

An Act for y^e better Settlement & Assurance of Lands in this Colony

An Act to Repeale a Clause in An Act Entituled, An Act ag^t forging Counterfeiting & Clipping of floreigne Coine which is Current money in the Colony of New York

An Act for Continueing An Act for laying a Duty on the Tonnage of Vessells & Slaves

And then his Excellency went with y^e Councill & Assembly to publish them

At a Councill held at ffort Anne in New York, this 2^d of November, 1710.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll SCHUYLER,
Coll D'PEYSTER,
Doctor STAATS,
Coll BEEKMAN,

Coll RENSELAER,
M^r MOMPESON,
M^r BARBERIE.

A Message from y^e Assembly that they have past a Bill Entituled, An Act to prevent the Burneing of Woods to which they desire y^e Concurrence of this Board.

Ordered, the Said Bill be Read y^e first time Which was Accordingly Read and Ordered to be Read a Second time

M^r Van Dam took his place at y^e Board

The Bill Entituled, An Act to prevent the Burneing of Woods Read the Second time and Referred to a Comittee of this Board or any flive of them

At a Councill held at ffort Anne in New York, this 4th November, 1710.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll SCHUYLER,
Coll D'PEYSTER,
Doctor STAATS,
Cap^t WALTER,

Coll RENSELAER,
M^r MOMPESON,
M^r BARBERIE,
M^r PHILLIPSE.

Ordered, That y^e Clerk of the Councill doe Acquaint y^e Assembly that this Board doe desire that they will appoint a Committee of that house to Joyne y^e Committee of this Board or any flive of them to whom y^e Bill Entitled, An Act to prevent the Burneing of Woods is Committed on a Conference to be had on the Said Bill at y^e house of M^r Harris on Monday next at three of y^e Clock in y^e Afternoone.

At a Councill held at ffort Anne in New York, this 8th of November, 1710.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll D'PEYSTER,
Doctor STAATS,
Cap^t WALTER,

M^r VAN DAM,
M^r BARBERIE.

Ordered, That Coll Renselaer doe Acquaint y^e Assembly that this Board doe desire that y^e Assembly will appoint a Comittee of that house to Joyne y^e Committee of this Board or any flive of them to whom y^e Bill Entituled, An Act to prevent y^e burneing of Woods is Committed on a Conference to be had on the Said Bill at the house of M^r Harris betweene flive & six of y^e Clock this Afternoone.

And that Coll Renselaer doe desire y^e Assembly to Returne to this Board the Ordinance for y^e Establishing of flees.

A Message from y^e Assembly that y^e Assembly have passed a Bill Entituled, An Act for Repairing y^e Blockhouses, Platforms & other y^e flortifications of y^e City of Albany & Towne of Schinectady in the Said County To which they desire y^e Concurrence of this Board.

Ordered, the Said Bill be Read y^e first time.

Which was Accordingly Read and

Ordered, to be Read a Second time next Council day.

The Bill Intituled, An Act for y^e more Ease of her Majesties Subjects in this Colony Read a Second time and Rejected.

At a Council held at ffort Anne in New York, this 9th of November, 1710.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll SCHUYLER,
Doctor STAATS,
M^r VAN DAM,

Coll RENSELAER,
M^r BARBERIE.

Doctor Staats Reported from the Committee to whom y^e Bill Entituled, An Act to prevent y^e Burneing of Woods was Committed that they have gone through y^e same and made an Amendment thereto which was Read and Agreed to

And the Bill being Read a third time is past with y^e Amendment.

Ordered, That Doctor Staats doe Carry the Said Bill to y^e Assembly & Acquaint them that this Board doe Agree thereto with an Amendment to which they desire their Concurrence

Coll Beekman took his place at the Board.

The Bill Entituled, An Act for Repairing of the Blockhouses, Platforms & other y^e ffortifications of the City of Albany and Towne of Schinectady in the said County was Read a Second time and Committed to the Gentlemen of this Board or any flive of them.

Coll D'Peyster took his place at y^e Board.

The Reconsidering of y^e Ordinance for Regulatcing and Establishing ffees is Referred to y^e Gentlemen of this Board or any flive of them

At a Council held at ffort Anne in New York, y^e 10th of November, 1710.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll SCHUYLER,
Coll D'PEYSTER,
Doctor STAATS,
Cap^t WALTER,

Coll BEEKMAN,
Coll RENSELAER,
M^r BARBERIE.

Coll Schuyler Chairman of y^e Committee to whom y^e Bill Entituled, An Act for Repairing of y^e Blockhouses, Platforms and other ffortifications of the City of Albany and the Towne of Schonectady in y^e said County was Committed, Reported that they have gone through the said Bill and made Some Amendments thereto.

Then y^e Said Bill with y^e Amendments was Read and Agreed to by this Board.

Ordered, That Coll Schuyler doe Carry the said Bill to y^e Assembly and Acquaint them that this Board doe agree thereto with Some Amendments to which they desire y^e Concurrence of that house

A Message from y^e Assembly by Major Willet that y^e Assembly doe Agree to the Amendments made by this Board to the Bill Entituled, An Act to prevent the Burneing of Woods.

Ordered, That y^e said Bill doe pass this Board

M^r Van Dam took his place at y^e Board

The Bill Entituled, An Act to Collect y^e Arreares of Taxes Read the first time and *Ordered* a Second Reading

Then the Said Bill was Read a Second time and Referred to y^e Gentlemen of this Board or any flive of them

Ordered, That M^r Barberie doe Acquaint y^e Assembly that this Board doe desire that the Same Committee of the Assembly that Joyned the Committee of this Board on y^e Charge in the Treasurers Accounts may Joyne the Said Committee of this Board on the Discharge in the Said Treasurers Accounts (the said Committee haveing only as yet gone through y^e said Charge) at y^e house of M^r Mackelanan to morrow at three of y^e clock in the afternoone and that the said Committee have power to send for Persons and Papers.

A Message from y^e Assembly that they have agreed to y^e Amendments made by this Board to y^e Bill Entituled, An Act for Repairing y^e Blockhouses, Platforms & other y^e ffortifications of y^e City of Albany and Towne of Schonectady in the said County.

At a Councill held at ffort Anne in New York, y^e 11th of November, 1710.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll SCHUYLER,
Coll D'PEYSTER,
Doctor STAATS,
Cap^t WALTER,

M^r VAN DAM,
Coll RENSELAER,
M^r BARBERIE.

Rip Van Dam Esq^r Reported from y^e Committee to whom y^e Bill Entituled, An Act to Collect y^e Arreares of Taxes was Committed that they have gone through y^e same without any Amendment.

And the said Bill being Read a third time is past without any amendment.

Ordered, that M^r Van Dam doe acquaint y^e Assembly that this Board doe Agree to the said Bill without any Amendment.

Ordered, that y^e Secretary doe Acquaint y^e Assembly that his Excellency Commands their attendance in y^e Councill Chamber Imediatley.

M^r Phillipse took his place at y^e Board.

Coll Jackson brought from y^e Assembly a Bill Intituled, An Act for laying a Duty on all Chimneys to which they desire y^e Concurrence of this Board.

Which Bill was read y^e first time and ordered to be read a second time Which it was and Committed to y^e Gentlemen of this Board or any ffive of them.

The Assembly being come his Excellency in a Speech proposed to them y^e paying the remainder of y^e sixteene hundred pounds voted by a former Assembly to my Lord Lovelace and then read the Queens Letter to him to that purpose which he desired them to Enter in y^e Journalls of their house.

That he is directed by her Majesty to Naturalize the Palatines and therefore Recommended to them to Resume the Consideration of the Bill lately brought into their house for a Generall Naturalization.

And that hee formerly Recommended to them y^e putting y^e fforts of Albany and Schonectady in a better Condition, without which hee does not think it safe to Trust her Majesties fforces there this Winter and againe Earnestly Recommended to them to Repaire those fforts.

A Message from y^e Assembly that they have past a Bill Entituled, An Act for laying a Duty on all Goods sold by Auction or Vendue, to which they desire y^e Concurrence of this Board.

Which Bill was Read y^e first time and ordered to be Read a Second time.

Which Bill was Read a second time & Referred to y^e Gentlemen of this Board or any ffive of them.

The Committee to whom y^e Reconsidering y^e Ordinance for Regulateing & Establishing ffees was referred haveing made severall amendments thereto are Agreed to with some Alterations.

Ordered, that the said Ordinance be amended accordingly.

Ordered, that y^e day for y^e commencement of the said Ordinance be Enlarged to y^e first day of December next.

At a Councill held at ffort Anne in New York, y^e 15th of November, 1710.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll D'PEYSTER,
Doctor STAATS,
M^r VAN DAM,

Coll RENSELAER,
M^r BARBERIE,
M^r PHILLIPSE.

M^r Phillipse Chairman of y^e Committee to whom y^e Bill Entituled, An Act for laying a Duty on Goods sold by Auction or Vendue Reports that they have gone through y^e same without any amendment.

Ordered, That y^e said Bill be Recommitted to y^e Gentlemen of this Board or any ffive of them.

M^r Phillipse Chairman of y^e Committee to whom y^e Bill Entituled, An Act for laying a Duty on all Chimneys was Committed, Reports that they have gone through y^e said Bill and made severall amendments thereto which hee delivered in at y^e table.

Then y^e said Bill with y^e amendments was Read a third time and agreed to by this Board.

Ordered, That M^r Phillipse doe Carry y^e said Bill to y^e Assembly and acquaint them that this Board have agreed to y^e same with some amendments to which they desire y^e Concurrence of that house.

A Message from y^e Assembly by M^r Jansen that y^e Assembly have past a Bill Entituled, An Act to Enable y^e Corporation of y^e City of New York to hold plea of fforeigne attachments and

for Confirming to them their antient Rights, Customes & Liberties as y^e same are Given, Granted & Confirmed unto them by their Charter, to which they desire y^e Concurrence of this Board.

Ordered, the said Bill be Read y^e first time

Which was accordingly Read and ordered to be Read a second time

At a Council held at ffort Anne in New York, y^e 16th of November, 1710.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r &c.,

Coll SCHUYLER,
Coll D'PEYSTER,
Doctor STAATS,
Cap^t WALTER,

Coll BECKMAN,
Coll RENSELAER,
M^r VAN DAM,
M^r BARBERIE.

His Excellency Communicated to this Board a Letter Directed to him from y^e Right hon^{ble} y^e Earle of Darthmouth her Majesties Principle Secretary of State Relateing to an Expedition which her Majestie Designed ag^t Canada when her affaires will permitt. Wherein his Excellency is desired to Communicate y^e same to her Majties Subjects under his Excellencies Government

Ordered, that Coll Schuyler do Communicate y^e said Letter to y^e Assembly & Returne y^e same to his Excellency

Coll Schuyler Returned from y^e Assembly with y^e aforesaid Letter and y^e Assembly thankd his Excellency for Communicateing y^e same to them and Desired a Copy of y^e said Letter.

Ordered, that a Copy of y^e s^d Letter be Delivered to y^e Assembly.

A Message from y^e Assembly by Cap^t Ward with y^e Bill Entituled, An Act for laying a Duty on all Chimneys that they doe not agree to y^e amendments made by this Board to a Mony Bill and that they will take Care to Exempt y^e Germans in another Bill.

Ordered, that Coll Renselaer doe acquaint y^e Assembly that this Board doe desire that they will appoint a Committee of that house to Joyne y^e Committee of this Board upon a Conference to be had on y^e Subject Matter of y^e amendments made by this Board to y^e Bill Entituled, An Act for laying a Duty on all Chimneys, at y^e house of M^r Swift to morrow at six of y^e Clock in y^e Evening

A Message from y^e Assembly that y^e Assembly have past a Bill Entituled, An Act for Disposeing of y^e stores in y^e hands of y^e Commissioners at Albany for y^e late Expedition to Canada

Ordered, that y^e s^d Bill be Read y^e first time

Which was accordingly Read and ordered to be Read a Second time.

Then y^e said Bill was Read y^e second time and Committed to y^e Gentlemen of this Board or any ffive of them.

At a Council held at ffort Anne in New York, y^e 18th of November, 1710.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll SCHUYLER,
Coll D' PEYSTER,
Doctor STAATS,

Coll RENSELAER,
M^r BARBERIE,
M^r PHILLIPSE.

Adolph Phillipse Esq^r for Rip Van Dam Esq^r Chairman of y^e Committee to whom y^e Bill Entituled, An Act for laying a Duty on all Goods sold by Auction or Vendue was Referred Reports that they have gone through y^e said Bill and made some amendments thereto Which was Read & Agreed to.

And the said Bill being Read a third time is past with the said Amendments.

Ordered, that M^r Van Dam doe Carry the said Bill to y^e Assembly and acquaint them that this Board doe agree thereto with some amendments to which they desire y^e Concurrence of that house.

John Barberie Esq^r Chairman of y^e Committee to whom y^e Bill Entituled, An Act for Disposeing of y^e stores in y^e hands of y^e Commissioners at Albany for y^e late Expedition to Canada was Referred Reports that they have gone through y^e said Bill and made some amendments thereto Which were read and agreed to.

And y^e said Bill being Read a third time is past with the said amendments.

Ordered, That M^r Barberie doe Carry y^e said Bill to y^e Assembly and acquaint them that this Board doe agree thereto with some amendments to which they desire y^e Concurrence of that house.

Mr Van Dam took his place.

A Message from y^e Assembly that they have past a Bill Entituled, An Act for y^e Treasurers paying sundry sūmes of money.

Which Bill was Read y^e first time and ordered to be Read a second time.

The said Bill being Read a second time is Committed to y^e Gentlemen of this Board or any five of them.

Ordered, That Mr Phillipse doe Carry to y^e Assembly a Copy of my Lord Dartmouth's Letter to his Excellency.

A Message from y^e Assembly that they cannot agree to y^e amendments made by this Board to y^e Bill Entituled, An Act for Disposeing of y^e stores in y^e hands of the Commissioners at Albany for y^e late Expedition to Canada.

Resolved, that this Board doe Insist on their amendments made to y^e said Bill.

Ordered, That Mr Barberie doe acquaint y^e Assembly that this Board doe desire them to appoint a Committee of their house to meet a Committee of this Board at y^e house of Mr Swift at six a Clock this afternoone on y^e subject matter of their said Amendments, and that y^e Gentlemen of this Board or any five of them be a Committee for that purpose.

A Message from y^e Assembly by Mr Lackerman that this Board cannot but be well Informed of the steady & constant Resolution of that house that they doe not admitt of any amendments made by this Board to a Mony Bill.

Resolved, That this Board doe Insist on y^e amendments made by them to y^e Bill Entituled, An Act for laying a Duty on all Goods sold by Auction or Vendue.

Ordered, That Mr Van Dam doe acquaint y^e Assembly that this Board doe desire them to appoint a Committee of their house to meet a Committee of this Board at y^e house of Mr Swift at six a Clock this afternoone on y^e subject matter of their Message by Mr Lackerman and that y^e Gentlemen of this Board or any five of them be a Committee for that purpose.

At a Councill held at ffort Anne in New York y^e 21th of November, 1710.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll D'PEYSTER,
Doctor STAATS,
Cap^t WALTER,

Mr VAN DAM,
Mr BARBERIE.

Coll D'Peyster reported from y^e committee to whom y^e Bill Entituled, an Act for the Treasurers paying Sundry sūmes of money was Committed that they have gone through y^e said bill and made some amendments thereto Which he Read in his place and afterwards delivered in at y^e table where y^e same were read and agreed to And it being proposed that a further amendment be made thereto, the following amendment was made, after the Word [Treasurer] the last word of y^e first amendment to the Said Bill add these Words [Which Warrants Shall be a Sufficient Order and Discharge to y^e Said Treasurer]

And then the Said Bill with y^e Amendments was read a third time and past.

Ordered, That Coll D'Peyster doe Carry y^e said Bill to y^e Assembly & acquaint them that this Board doe Agree to y^e same with Some Amendments to which they desire y^e Concurrence of this house.

The Bill Entituled an Act to Enable y^e Corporation of y^e City of New York to hold Plea of fforeign Attachment and for Confirming to them their Antient Rights, Customes and Liberties as y^e same are Given Granted and Confirmed unto them by their Charter was Read a Second time and Committed to y^e Gentlemen of this Board or any five of them

A Message from y^e Assembly that they Cannot Agree to the Amendments made by this Board to y^e Bill Entituled, an Act for the Treasurers paying Sundry Sūmes of Money.

Resolved, that this Board doe Insist on their Amendments made to y^e Said Bill.

Ordered, that Coll D'Peyster doe acquaint y^e Assembly that this Board does desire that house to Appoint a Committee to meet a Committee of this Board at a Conference on y^e Subject Matter of y^e Amendments to y^e Said Bill at y^e house of Mr Harris to Morrow in the afternoone at five a clock and that the Gentlemen of this Board or any five of them be a Committee for that purpose

At a Council held at ffort Anne in New York, y^e 22th of November, 1710.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Doctor STAATS,
Cap^t WALTER,
Coll HEATHCOTE,

M^r MOMPESSEON,
M^r BARBERIE,
M^r PHILLIPSE.

A Message from y^e Assembly that they have past a Bill Entituled, an Act to Retrench y^e Growing Interest of Bills of Creditt to which they desire y^e Concurrence of this Board
Which Bill was Read y^e first time and ordered to be Read a Second time.

And it was Read a Second time and Committed to the Gentlemen of this Board or any five of them

A Message from y^e Assembly that they have past a Bill Entituled, An Act to Enable y^e Precinets of Islip in y^e County of Suffolk to Elect Two Assessors a Collector, Constable and Supervisor to which they desire y^e Concurrence of this Board.

Which Bill was Read the first time and ordered to be Read a Second time.

And it was Read a Second time and Committed to the Gentlemen of this Board or any five of them

At a Council held at ffort Anne in New York, y^e 23th November, 1710.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Doctor STAATS,
Cap^t WALTER,
M^r VAN DAM,

Coll HEATHCOTE,
M^r BARBERIE.

M^r Barberie for M^r Phillipse Reported from y^e Committee to whom y^e Bill Entituled, An Act to Retrench y^e Growing Interest of Bills of Creditt was Committed that they have gone through y^e same without any Amendment.

Which Bill was Read a third time and past without Amendment.

Ordered, That M^r Barberie doe Acquaint y^e Assembly that this Board doe Agree to the Said Bill without any Amendment.

M^r Barberie for M^r Phillipse Reported from the Committee to whom the Bill Entituled, An Act to Enable the Preeinets of Islip in the County of Suffolk to elect Two Assessors a Collector, Constable and Overseer, was Committed that they have gone through the Said Bill without any Amendment

Which Bill was Read the third time & past without Amendment

Ordered, That M^r Barberie doe Acquaint the Assembly that this Board doe Agree to the Said Bill without any Amendment.

Coll D'Peyster took his place at y^e Board.

A Message from y^e Assembly that they have pass't a Bill Entituled, An Act for Regulateing & Establishing ffees to which they desire the Concurrence of this Board. It is

Ordered, That y^e Said Bill lye on y^e Table

At a Council held at ffort Anne in New York, at three a clock in y^e Afternoone 23th November, 1710.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Doctor STAATS,
Cap^t WALTER,
M^r VAN DAM,

Coll HEATHCOTE,
M^r BARBERIE.

A Message from y^e Assembly that they desire this Board to Appoint a Committee to meet a Committee of their house on y^e Subject matter of the last Conference on y^e Amendments made to the Bill Entituled, An Act for y^e Treasurers paying Sundry Sūmes of money at y^e house of M^r Harris at flive a clock this Afternoone It is

Resolved that this Board doe Agree to the Said Conference desired by the Assembly

Ordered, that y^e Gentlemen of this Board or any flive of them be a Committee for that purpose And that Coll Heathcote doe Acquainte y^e Assembly therewith and that this Board doe Appoint that the Said Conference be at y^e house of M^r Swift at Seaven of y^e clock this Evening

At a Councill held at ffort Anne New York, y^e 24th November, 1710.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll D'PEYSTER,
Doctor STAATS,
Cap^t WALTER,

Coll HEATHCOTE,
M^r BARBERIE.

Ordered, That Coll Heathcote doe Acquaint y^e Assembly that this Board doe desire that house to Appoint a Committee to meet a Committee of this Board at a Conference on y^e Subject matter of y^e last Conference on y^e Amendments made by this Board to the Bill Intituled, An Act for y^e Treasurers paying Sundry Sūmes of money, at y^e house of M^r Harris at ffive a clock this afternoone and that the Gentlemen of this Board or any ffive of them be a Committee for that purpose.

At a Councill held at ffort Anne in New York, y^e 25th of November, 1710.

PRESENT :—

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll D'PEYSTER,
Doctor STAATS,
Cap^t WALTER,

M^r VAN DAM,
M^r BARBERIE.

M^r Barberie Reported that y^e Committee of this Board have mett a Committee of the Assembly on the Subject Matter of their last Conference on y^e Councils Amendments to y^e Bill Intituled, An Act for y^e Treasurers paying Sundry Sūmes of money, and that y^e Committee of the Assembly delivered them their Reasons why they Cannot agree to y^e Said Amendments which were read.

Ordered, That further Reasons be drawne for the Councils Insisting on their Said Amendments which was done and they being Agreed to

Ordered, That M^r Barberie do Carry them to y^e Assembly.

M^r Phillipse took his Place.

His Excellency proposed to y^e Council to Prorogue y^e Assembly to the first day of March next

Which they approved of

M^r Mompesson took his Place.

Then his Excellency Sent for y^e Assembly who being Come, hee Gave his Assent to y^e following Bills, viz^t.

An Act to prevent y^e Burning of Woods

An Act for Repairing y^e Blockhouses, Platforms & other the ffortifications of y^e City of Albany & Towne of Schenectady in the Said County.

An Act to Collect y^e Arrears of Taxes.

An Act to Retrench y^e Growing Interest of Bills of Creditt.

An Act to Enable y^e Precincts of Islip in y^e County of Suffolk to Elect Two Assessors, a Collector, Constable, and Supervisor

His Excellency Prorogued y^e Assembly to y^e first day of March next.

THIRTEENTH ASSEMBLY SECOND SESSIONS.

At a Council held at ffort Anne in New York, this 12th day of Aprill, 1711.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll D'PEYSTER,
Doctor STAATS,
Cap^t WALTER,
Coll BEEKMAN,

M^r VAN DAM,
M^r MOMPESON,
M^r BARBERIE,
M^r PHILLIPSE.

His Excellency Sent y^e Secretary to y^e Assembly to Command their Attendance on him in the Council Chamber Immediately

The Assembly being Come his Excellency made y^e following Speech to them viz^t

Gentlemen.

I hope you are now Come with a Disposition to Answer the Ends of yo^r Meeting That is, to provide a Suitable Support for her Maj^{ties} Government here In the manner she has beene pleas'd to direct, to find out means to Restore the Publick Credit, and to Provide better for your owne Security.

They abuse you, who tell you that you are hardly Dealt by in the augmentation of Salleries, Her Majesties Instruction which I Communicated to you at our last meeting might have Convinced you that it was her tenderness towards her Subjects in the Plantations, who Suffer'd under an Establish't Custome of makeing Considerable presents to their Governours by Acts of Assembly, that Indue't her to allott to each of them Such a Sallery as She Judg'd Sufficient for their Support in their respective Stations with a Strict Prohibition of all Such presents for the future Which Instruction has mett with a Cheerfull and Gratefull Compliance in all her other Colonies

If you have beene in anything Distinguish't it is by an Extraordinary measure of her Royall Bounty and Care; I hope you will make Suitable Returnes, lest Some Insinuations, much Repeated of late yeares should gaine Credit at last, That however your Resentment has fallen upon the Governours, It is y^e Government you dislike

It is necessary at this time that you be told also that Giveing Mony for Support of Government and disposing of it at your pleasure, is y^e Same with Giveing none at all, Her Majesty is y^e Sole Judge of the Merritts of her servants, It is a Right which has never yet beene Disputed at home, and should I consent to give it upp abroad I should render My Selfe unworthy not only of the Trust reposed in me, but of y^e Society of my fellow Subjects, by Incurring her highest Displeasure.

If I have Tyr'd you with a long speech, I shall make amends by putting you to y^e trouble of a very short answer.

Will you support her Maj^{ties} Government in the meanes she has been pleas'd to direct, or are you Resolved that Burthen shall lye still upon the Governour who cannot accuse himselfe of any thing that may have deserv'd this Tréatment at yo^r hands

Will you take care of the Debts of the Governement, or to Increase my sufferings must I continue under the torture of the dayly Cryes of such as have Just demands upon you and are in misery, without the power of Giveing them any hopes of Reliefe.

Will you take more effectuell care of yo^r owne safety in that of yo^r frontiers or are you resolv'd for the future to relye upon the security of an open winter and the Caprice of yo^r savage Neighbours

I shall be sorry if this plainness offends you, I Judg'd it necessary toward the Establishing and Cultivateing a good understanding betwixt us and I hope it will be soe constructed and Wish heartilly it may have that effect.

Ordered, That y^e Gentlemen of y^e Council or any five of them whereof y^e Cheife Justice to be one doe prepare and bring in a Bill for Naturalizeing foreigne Protestants

At a Council held at ffort Anne in New York, this 20th day of Aprill, 1711.

PRESENT—

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll D'PEYSTER,
Doctor STAATS,
Cap^t WALTER,
Coll BEEKMAN,

M^r VAN DAM,
Coll HEATHCOTE,
M^r MOMPESON,
M^r BARBERIE.

His Excellency acquainted this Board that the Speaker of the Assembly was with him this morning to tell him that a great majority of the house are of opinion they cannot regularly or legally sitt and that they are resolved to goe to their respective homes

The Reason for this opinion is said to be His Excelencies Proroguing them by Proclamation dated in New Jersey, Tho' the Lords of Trade have fully Resolved the doubt which formerly arose concerning the Governours sending orders to New Jersey when he is in New York, and soe of his sending orders to New York when he is in New Jersey, and of their Invalidity, Declaring that it is a very groundless & unreasonable opinion, the Contrary being practiced every day there by the Lords Lieutenants of Counties, and particularly by the Lords Lieutenants of Ireland who frequently send orders into Ireland whilst they are Resident in England.

Where upon his Excellency Desired the Gentlemen of y^e Council to Give their opinion on what is proper for his Excellency to doe on this Conjunction, Who are of opinion that since the Assembly are Resolved not to act Notwithstanding that opinion of y^e Lords of Trade has been Communicated to them by his Excellency, That it will be adviseable for his Excellency to send for the house and Dissolve which they would otherwise doe themselves.

Then his Excellency sent y^e Secretary to sumon them to attend him Immediately in y^e Council Chamber. Which hee did.

The Assembly being come his Excellency made y^e following speech to them Whereby they are Dissolved

Gentlemen.

A Notion haveing unhappily beene started amongst you with Relation to the Governours doing acts of Governement in the affaires of this Province, whilst he himselfe is in the Jerseys, Which the Lords of Trade have Declared to be very Groundless and unresonable; however it seems as I am Informed by your Speaker, It has beene of flöree enough to Incline you not to Continue any longer acting as a house of Representatives, ffor which Reason I have with the advise of her Maj^{ties} Council here thought it necessary for her service to DISSOLVE you, and you are accordingly DISSOLVED.

[IN EXECUTIVE SESSION.]

10 May, 1711.

His Excellency desired y^e opinion of y^e Council concerning the calling a New Assembly, who are unanimous that an Assembly should be called with what expedition possible.

Ordered, That Writts issue for calling an Assembly to sitt y^e Twentieth day of June next.

16th June, 1711.

It is the opinion of this Board, that his Excellency issue a Proclamation for proroguing the Assembly to y^e second day of July next.

FOURTEENTH ASSEMBLY FIRST SESSIONS.

At a Council held at Fort Anne in New York, this 2^d day of July, 1711.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

The Hon^{ble} FRANCIS NICHOLSON, Esq^r.,

Coll D'PEYSTER,
Doctor STAATS,
Cap^t WALTER,

Mr VAN DAM,
Mr BARBERIE.

His Excellency Sent y^e Secretary to y^e Assembly to Command their Attendance in y^e Council Chamber Imediatley.

Whereupon they Came and took y^e oaths appointed to be taken Instead of y^e oaths of Allegiance & Supremacy and took & Subscribed y^e Test and Abjuration oath and then his Excellency Recommended to them to Choose a Speaker to be presented to him

Then they Returned and presented William Nicoll Esq^r their Speaker whom his Excellency approved of

Then his Excellency made y^e following Speech to them which follows in hec Verba.

Gentlemen,

What I have Cheifly to Impart and Recommend to you at this time is y^e Expedition her Maj^{ty} has Undertaken against the Common Enemy In these parts for Asserting her Just Rights and procuring a Solid and lasting Security Amongst other Blessings to her good Subjects on this Continent and their posterity as it is most pathetically Set forth In the Preamble of her Royal Instructions for that purpose, which I am Commanded to Comūicate to you.

I am farr from Intertaining the least Doubt of yo^r Ready Compliance with what is Expected on yo^r part on this occasion. Her Majestys Honour and your Interest Inseparable from her's being the prize you Contend for, I must only with all earnestnesse recommend dispatch, upon which the whole design seems now to depend, The Fleet and forces being already arrived at Boston, In good Condition and health Compleatly furnisht with all things necessary for so great and glorious an Enterprize and wait for nothing but the Expediting of What is necessary and required on yo^r part

According to the Repartition of the Land force appointed to act on this Side und^r the Command of Generall Nicholson agreed upon in the Council of Warr Assembled at New London by her Maj^{ty}s Ord^r Yo^r Quota amounts to Six hundred private Centinalls besides Officers, as you'll observe by this Schedule mark'd (A).

Besides the necessary provisions for that Number It will be requisite you find ways and means for their pay and that of their field Staffe and other officers, ffor building a Sufficient number of Battoes for Transporting them & their provisions, for Subsisting the Indians of the five Nations and River Indians, for paying and Subsisting those of Long Island who were found to be of great use In the Last Attempt of this Kind for the Twelve pence ^{per} day augmentacōn of the Liev^{ts} pay Sent hither, as her Majesty has directed and for Such other Contingent Charges as must arrise upon Such occasions and you yo^r Selves Shall Judge requisite

By the Invoice mark'd (B) you will be made acquainted with her Majestys Signal bounty In Arming Cloathing and Equipping the forces to be raised by you, and furnishing very considerable Stores of Warr for this Undertaking all which are arriv'd at Boston and what is destin'd for us Expected here every moment.

There is one thing that would contribute much toward the redeeming of time which is all that can be thought of which may be wanting on this occasion, that is the Entring fourthwith upon resolves If you so please for the Incouragement of Volunteers, An Act for that purpose being of Such a Nature as may require time, dureing which upon the Credit of your Votes the Levy's may proceed. One thing more is necessary that you State the prices of provisions and other requisit's by a resolve of your house, to prevent extravagant demands at this time.

When you have gone through what is requisite for this Important Service I must recommend to you the Support of Government The Publick Debts. and the Care of yo^r ffronteers all which very much require your Consideracōn at this time.

At a Council held at ffort Anne in New York the 11th day of July, 1711.

PRESENT :—

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll D'PEYSTER,
Doctor STAATS,
Cap^t WALTER,
M^r VAN DAM,

Coll HEATHCOTE,
M^r BARBERIE,
M^r PHILLIPSE.

A Bill Entituled, An Act for Raiseing fforces to Assist in y^e Expedition to Canada was Read the first time and ordered to be Read a Second time Immediately.

The Said Bill was Read a Second time and Committed to y^e Gentlemen of this Board or any ffive of them.

At a Council held at ffort Anne in New York this 11th day of July, 1711,

At ffive a clock in y^o afternoone.

PRESENT :—

His Excellency ROBERT HUNTER, Esq^r, &c.,

Doctor STAATS,
Cap^t WALTER,
M^r VAN DAM,
Coll HEATHCOTE,

M^r MOMPESSEON,
M^r BARBERIE,
M^r PHILLIPSE.

M^r Mompesson Chairman of y^e Committee to whom y^e Bill Intituled, An Act for Raiseing fforces to Assist in y^e Expedition to Canada was Referred Reported that they had gone through y^e Said Bill and made an Amendment thereto which he read in his place and afterwards delivered y^e Same in at y^e Table Where y^e Same was Read & Agreed to with y^e Said Amendment.

Ordered, That M^r Mompesson doe Carry y^e Said Bill to y^e Assembly & Acquaint them that this Board doe Agree thereto with an Amendment to which they desire their Concurrence.

A Message from y^e Assembly by M^r Van Brunt That y^e Assembly doe Agree to y^e Amendments made by this Board to y^e Said Bill with an Amendment thereto.

Ordered, That M^r Phillips doe Acquaint y^e Assembly that this Board doe Agree to y^e Amendments made by that house to y^e Amendment made by this Board to y^e Said Bill

Then his Excellency Sent y^e Secretary to Command y^e Attendance of y^e Assembly who being come His Excellency assented to y^e Said Bill Enacting y^e Same and Ordered it to be Enrolled

And then his Excellency went with y^e Council & Assembly to publish y^e Said Act.

At a Council held at ffort Anne, in New York y^e 17th day of July, 1711.

PRESENT :—

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll D'PEYSTER,
Doctor STAATS,
Cap^t WALTER,
Coll BEEKMAN,

M^r VAN DAM,
M^r MOMPESSEON,
M^r BARBERIE,
M^r PHILLIPSE.

A Message from y^e Assembly by Coll William Willet and Major Van Brunt that y^e house have not made any Calculation for any provisions for y^e ffive Nations or River Indians in Consideration of y^e poverty of y^e Colony and y^e Great Burthen still unpaid to be born alone by this Plantation by which in y^e last unhappy attempt they were Subsisted without Contribution from y^e Neighbouring Colonies or otherwise and to Request his Excellency y^e provisions for those Nations & Indians may be paid out of y^e f funds appointed by her Maj^{ty} for y^e furtherance of this Expedition.

At a Council held at ffort Anne in New York, y^e 19th day of July, 1711.

PRESENT:—

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll D'PEYSTER,
Doctor STAATS,
Cap^t WALTER,
M^r VAN DAM,

M^r MOMPESSEON,
M^r BARBERIE,
M^r PHILLIPSE.

The Bill Intituled, An Act to appoint Commissioners to purchase provisions & other Necessaryes for y^e Expedition to Reduce Canada was Read twice & Committed to y^e Gentlemen of this Board or any ffive of them

M^r Phillipse Reported from y^e Committee to whom y^e Said Bill was Committed that they have gone through y^e Same without Amendment

The Said Bill was Read a third time and past without Amendment

Ordered, That M^r Phillipse doe Acquaint y^e Assembly that this Board doe Agree to y^e Said Bill without Any Amendment

The Bill Entituled, An Act to Enable Thomas Whitehead to Sell and Dispose of Some part of y^e Lands Devised to him by his ffather under Limitation of a Generall Intaile was Read twice and Committed to y^e Gentlemen of this Board or any ffive of them.

Att a Council held at ffort Anne in New York, this 20th day of July, 1711.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll D'PEYSTER,
Doctor STAATS,
Cap^t WALTER,
M^r VAN DAM,

M^r MOMPESSEON,
M^r BARBERIE,
M^r PHILLIPSE.

The Bill Entituled, An Act for y^e better Encouragement of Volunteers that shall List themselves to goe on y^e present Expedition ag^t Canada to make upp y^e number of Men to be Levyed by y^e City of New York pursuant to An Act of Generall Assembly passed this present Sessions Intituled, An Act for Raising fforces to assist in y^e Expedition to Canada was Read twice & Committed to the Gentlemen of this Board or any ffive of them

The Bill Entituled, An Act Levyng y^e Sume of Ten thousand pounds was Read twice & Committed to y^e Gentlemen of this Board or any ffive of them

At a Council held at ffort Anne in New York, y^e 21th day of July, 1711.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll SCHUYLER,
Coll D'PEYSTER,
Doctor STAATS,
M^r VAN DAM,

M^r MOMPESSEON,
M^r BARBERIE,
M^r PHILLIPSE.

M^r Mompesson Chairman of y^e Committee to whom y^e Bill Entituled, An Act for Levyng y^e Sume of Ten thousand pounds was Committed Reported that they have gone through y^e Said Bill without Any Amendment.

The Said Bill was Read a third time and past without any Amendment.

Ordered, That M^r Mompesson doe Acquaint y^e Assembly that this Board doe agree to y^e Said Bill without any Amendment.

A Bill Intituled, An Act for y^e better Rewarding of Volunteers on y^e present Expedition against Canada to be Levyed in the Cityes of New York & Albany, and y^e pay of other Officers and uses relateing to y^e Same Expedition, was Read y^e first time & Ordered to be Read a Second time Imediatley

Which was Accordingly Read a Second time and Committed to the Gentlemen of this Board or any ffive of them

At a Council held at ffort Anne in New York, y^e 23th day of July, 1711.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Doctor STAATS,
Coll BEEKMAN,
M^r VAN DAM,

M^r MOMPESSEON,
M^r BARBERIE.

M^r Barberie Reported from y^e Committee to whom was Committed the Bill Entituled, An Act to Enable Thomas Whitehead to Sell and Dispose of Some part of the lands Devised to him by y^e Will of his ffather under y^e Limitation of a Generall Intaile, That they have gone through y^e Same and made Some Amendment thereto which were Read & Agreed to by y^e Board.

And y^e Said Bill was Read a third time and past with y^e Amendments.

Ordered, That M^r Barberie doe Carry y^e Said Bill to y^e Assembly and Acquaint them that this Board doe agree to y^e Same with Some Amendments to Which they desire y^e Concurrence of that house.

M^r Barberie for M^r Phillipse Reported from y^e Committee to Whom Was Committed the Bill Entituled, An Act for y^e better rewarding of Volunteers on y^e present Expedition against Canada to be Leveyed in y^e Cityes of New York and Albany and y^e pay of other officers and uses Relateing to y^e Same Expedition, that they have gone thro' y^e Same without any Amendment

Which Bill was Read a third time and agreed to without Amendment

Ordered, that M^r Barberie doe acquaint y^e Assembly that this Board doe agree to y^e Said Bill without any Amendment.

Ordered, That M^r Barberie doe putt y^e Assembly in mind of Employing Armed Sloops to Cruise on this Coast dureing y^e Expedition Especially Since the Men of Warr on this Station being ordered to goe on y^e Expedition

At a Council held at ffort Anne in New York, y^e 25th day of July, 1711.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll D'PEYSTER,
Doctor STAATS,
Cap^t WALTER,

Coll HEATHCOTE,
M^r MOMPESSEON,
M^r PHILLIPSE.

Ordered, That y^e Gentlemen of this Board or any flive of them doe prepare and bring in a Bill to prohibit y^e Selling or Giveing Rum or other Strong Liquors to y^e Indians in y^e City and County of Albany and to prevent persons from buying the Cloaths, Accoutrements and Arms given by her Majesty to y^e fforces in this and the Neighbouring provinces.

A Bill Intituled, an Act for y^e more Effectuall putting in Execution an Act of Generall Assembly Entituled, an Act for laying a Duty on the tonnage of Vessells and Slaves was Read twice & Committed to the Gentlemen of this Board or any flive of them.

A Bill Entituled, an Act for Continuing an Act Entituled, an Act for laying an Excise on all Strong Liquors in this Colony was Read twice and Committed to y^e Gentlemen of this Board or any flive of them.

A Message from y^e Assembly that they have agreed to y^e Amendments made by this Board to y^e Bill Entituled, an Act to Enable Thomas Whitehead to sell and Dispose of Some part of y^e Lands Devised to him by the Will of his ffather under y^e Limitation of Generall Intaile

Ordered, That y^e Secretary doe Acquaint y^e Assembly that this Board is Informed that y^e officer for Collecting y^e Dutys on y^e Tonnage of Vessells &c has Demanded y^e Tonnage of y^e Transports that brought her Majesties Stores for y^e Expedition for this Port and desire y^e Assembly to pass a Resolve for y^e Exempting them from that duty in regard they are Actually in her Majesties Service and Soe are to Remaine dureing y^e whole Expedition.

At a Council held at ffort Anne in New York, this 26th day of July, 1711.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll D'PEYSTER,
Doctor STAATS,
Coll BECKMAN,

Mr MOMPESSEON,
Mr BARBERIE,
Mr PHILLIPSE.

Mr Mompesson Reported from y^e Committee to whom was Committed the Bill Entitled, An Act for Continuering An Act Entitled, An Act for laying an Excise on all Strong Liquors retailed in this Colony that they have gone through y^e same without any amendment

The said Bill was read a third time and past

Ordered, That Mr Mompesson doe acquaint y^e Assembly that this Board doe agree to y^e said Bill without any amendment.

Mr Mompesson according to order from y^e Committee brought in a Bill Entitled, An Act for Reviveing An Act to prevent Selling or Giveing of Rum or other Strong Lignors to y^e Indians and to prevent the Imbezleing of any of y^e cloathing, arms or accoutrements sent by her Majesty for y^e service of the present Expedition.

Which Bill was Read twice & Committed to y^e Gentlemen of this Board or any flive of them

The Bill Entitled, An Act for y^e Currenecy of Bills of Creditt for Twenty flive thousand ounces of plate was read twice and Committed to y^e Gentlemen of this Board or any flive of them

Mr Van Dam took his place at y^e Board

Coll Heathcote Reported from the Committee to whom was Committed y^e Bill Entitled, An Act for Reviveing An Act Entitled, An Act to prevent Selling or Giveing of Rum or other Strong Liquors to the Indians and to prevent y^e Imbezling of any of the Cloathing, Arms or Accoutrements sent by her Majesty for y^e service of the present Expedition, that they have gone through the same without any amendment.

Ordered, that y^e said Bill be Engrosed.

Mr Mompesson Chairman of y^e Committee to whom y^e Bill Entitled, An Act for the more effectuall putting in Execution An Act of Generall Assembly Entitled, An Act for laying a Duty on y^e Tonage of Vessells and Slaves Reported that they have gone through the same without any amendment

Which Bill was Read a third time and past.

Ordered, That Mr Mompesson doe acquaint the Assembly that this Board doe agree to the said Bill without any amendment

His Excellency Referred to a Committee of y^e Council some proposalls for y^e Defence of the Province durning y^e Expedition

*At a Council held at ffort Anne in New York, y^e 26th day of July, 1711,
At three in y^e Afternoon.*

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll D'PEYSTER,
Doctor STAATS,
Cap^t WALTER,
Coll BECKMAN,

Mr VAN DAM,
• Coll HEATHCOTE,
Mr MOMPESSEON,
Mr BARBERIE.

Mr Mompesson Reported from the Committee to whom was Committed the Bill Entitled, An Act for y^e Currenecy of Bills of Creditt for Twenty flive thousand ounces of plate That they have gone through the same without any amendment.

Which Bill was Read a third time and past without amendment.

Ordered, That Mr Mompesson doe acquaint the Assembly that this Board doe Agree to y^e Bill Intituled, An Act for y^e Currenecy of Bills of Creditt for Twenty flive thousand ounces of Plate without any amendment.

The Ingrosed Bill Intituled, An Act for Reviveing An Act Entitled, An Act to prevent Selling or Giveing of Rnm or other Strong Liquors to y^e Indians, and to prevent y^e Imbezleing of any of y^e cloathing Arms or Accoutrements sent by her Maj^y for y^e service of y^e Expedition Read a third time and past y^e Council.

Ordered, That Coll Heathcote doe Carry the Said Bill to y^e Assembly And desire their Concurrence thereto.

An Act Entitled, An Act for y^e Levying a Tax on y^e City and County of New York for a Guard of her Majesties ffort Anne in the Colony of New York durning y^e present Expedition ag^t Canada.

Read the first time and Ordered a Second Reading

Which was Read accordingly a Second time and Committed to y^e gentlemen of this Board or any five of them.

The Secretary being Sent to y^e Assembly to Acquaint them that his Excellency Commands their Attendance in y^e Councill Chamber Imediatley and y^e Assembly being Come his Excellency Gave y^e Assent to the following Bills Enacting y^e Same and Ordered them to be Enrolled, viz^t.

An Act to Appoint Commissioners to purchase provisions and other Necessaries for y^e Expedition to Reduce Canada.

An Act to Enable Thomas Whitehead to Sell and Dispose of Some part of y^e Lands Devised to him by his ffathers Will under the Limitation of a Generall Intaile.

An Act for Levying y^e Sume of Tenn thousand pounds.

An Act for y^e better Rewarding of Volunteers on y^e present Expedition against Canada to be Levied in the Cities of New York and Albany And to pay of Other Officers and uses relateing to y^e Same Expedition.

An Act for y^e Continueing An Act Entituled, An Act for laying an Excise on all Strong Liquors retailed in this Colony.

An Act for y^e more Effectuall putting in Execution An Act of Generall Assembly Entituled, An Act for laying a duty on y^e Tonnage of Vessells and Slaves.

An Act for y^e Currenecy of Bills of Creditt for Twenty five thousand Ounces of Plate.

At a Councill held at ffort Anne in New York, this 27th day of July, 1711.

PRESENT—

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll D'PEYSTER,
Doctor STAATS,
Coll HEATHCOTE,

Mr MOMPESON,
Mr BARBERIE.

A Message from y^e Assembly that they Agree to y^e Bill Intituled, An Act for the Reviveing An Act Entituled, An Act to prevent the Selling or Giveing of Rum or other Strong Liquors to y^e Indians And to prevent the Imbezleing of any of the Cloathing Arms or Accoutrements Sent by her Majesty for y^e Service of y^e present Expedition with an Amendment.

Which was Read & Agreed to by y^e Board.

Ordered, That Coll Heathcote doe Acquaint y^e Assembly that this Board doe Agree to their . Amendment thereto.

*At a Councill held in New York, this 27th day of July, 1711,
At three in y^e Afternoone.*

PRESENT—

His Excellency ROBERT HUNTER, Esq^r, &c.

Coll D'PEYSTER,
Coll HEATHCOTE,
Mr MOMPESON,

Mr BARBERIE,
Mr PHILLIPSE.

His Excellency Recommended to y^e Councill to think of Some Methods for a Bill to Impress Vagrants and Idle persons in this Province in Order to man her Majesties Guard ships Attending this Province the better to Guard y^e Coast dureing y^e present Expedition.

At a Councill held at ffort Anne in New York, this 28th day of July, 1711.

PRESENT—

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll D'PEYSTER,
Doctor STAATS,
Coll HEATHCOTE,
Mr VAN DAM,

Mr MOMPESON,
Mr BARBERIE,
Mr PHILLIPSE,

His Excellency in Councill proposed to Reecommend to y^e Assembly to prepare and bring in a Bill for Recruiting her Majesties Land and Sea florees on this present Expedition by Enableing

Justices of y^e peace to Apprehend & Secure Deserters from y^e Land or Sea Service, And to Raise and Levy Such Able bodyed Men as have not any lawfull Calling or Imployment or doe not follow or Exercise the Same, or doe not make use of any lawfull means for their Support and maintenance with proper paines and penalties for Rendring the Said Act more Effectuall.

Ordered, That M^r Mompesson doe Carry the Said Message to y^e Assembly.

His Excellency having Referred to a Committee of this Board to form a Scheme for y^e Security and defence of this Province during y^e Expedition. The Said Committee Accordingly laid before his Excellency and this Board a Scheme for that purpose Which was Read and approved Which is as followeth viz^t.

May it please yo^r Excellency.

Your Excellency in Councill y^e 26th of July Instant having Referred to a Committee of y^e Councill Some proposalls for y^e Defence of the Province during y^e Expedition. In obedience thereto.

The Said Committee humbly Conceive that two Sloops of Eighty Men apeice or else one vessell of 150 men would be very usefull for y^e Security of this Coast and the Navigation of this Province as well as Discovering an Enemy in Case any should appeare. If meanes could be found to Man Victuall and to Defray the other Necessary Charges that may attend thereupon.

That they Conceive that y^e readiest way of Giveing Intelligence of y^e approach of y^e Enemy by Sea will be by haveing Beacons Erected at y^e following places, viz^t. (at each of which there ought to be a Great Gunn ready loaded and primed to be fired off at the time of firing each Beacon)

One at y^e high Lands of Never Sineks One other at y^e Inside of Sandy hook that may be Seene from thence

One other upon Some Eminence on Staten Island that may bee Seene from the last mentioned, and that may be Seene from thence on Long Island

One other at y^e Narrows on Long Island.

That to each of these Beacons there should be a Constant Watch of three men at least.

And that those at Long Island must be Troopers with their horses ready Equipt to post Away to y^e ferry the Minute the Beacon is light to Give Intelligence here.

That Generall Directions be Given at all these Beacons that upon Sight of three Shippes or more they Shall Imediatley light these Beacons.

That upon the Sight of these Beacons being light the Militia both horse and foot shall Imediatley appeare in their proper Arms at their Usual Rendevouze without further Orders.

And least these Lights Should not be Seene that for further Security Two other of y^e horsemen posted at y^e Narrows shall post Away One to y^e Commanding Officer of Kings County and y^e other to y^e Commanding Officer of Queens County who upon Such Notice Shall Imediatley gett their Regiments in Arms and forthwith March them to y^e ferry without further Orders.

And that y^e Coll or Commanding Officer of Queens County Shall upon the Notice Aforesaid Dispatch an Express to y^e Commanding officer of Suffolk County, who ought to gett his Regiment in Arms and March in like manner.

That y^e Watch at y^e Beacon at Staten Island doe likewise at y^e firing of that or Any other Beacon forthwith Give Notice to y^e Commanding Officer there who is to gett his Regiment in Arms and March to Such proper places as his Excellency Shall think fitt that are Most Convenient for Imbareation to this City.

That y^e like Directions ought to be Given for y^e Watchers at y^e two Beacons at Never Sineks for Giveing y^e like Notice through y^e Severall Countyes in the Jerseys in Order that wee may have all y^e Assistance that possible from thence peticularly from Shrewsbury, all along to Orange County

That upon an Intelligence of an Alarm here Express shall be Imediatly Dispatch't to y^e Countyes of Westchester and Orange for getting their men in Arms and Sending them hither forthwith

That his Excellency Concert with y^e Governour of Connecticut what forces they can Spare us from the Western part of that Colony in Case of an Alarm and that they may be ready to march hither upon y^e first Notice by an Express.

That in y^e meane time it will be necessary that y^e Severall Companies in each respective County Shall frequently be in Arms and be Exercised soe that one Company Shall every day in y^e week be in Arms and that there be one Generall Muster of y^e whole Regiment once every month, and that every time they appeare in Arms each Captain Shall not only take Care duely to Exercise his Company but likewise that every Man appeare with good Arms and Amunition pursuant to y^e Militia Act.

That Inspection ought to be made into y^e fortifications of this City and Such as are defieient to be Repaired and Such others to be Erected as his Excellency Shall think proper.

That likewise an Account be Given what Amunition and other Stores are in Store for this City to y^e End provision may be made for what may be further needfull

That it would be very usefull that Such persons as have beene Commission Officers or are otherwise Exempted from bearing Arms be framed into Companies under proper Officers thereout to be Ready with their Arms and Ammunition to appeare in Case of an Allarin.

Ordered, that Mr Mompesson doe Communicate y^e same to y^e Assembly and desire that they will think of proper Methods for Defraying y^e Expenses of Erecting of Beacons Transporting of Guns and Sending Expresses and other necessary Charges that may Accrue upon that occasion

His Excellency & Councill proposed y^e Recommending to y^e Assembly to Give proper Directions to y^e Commissioners for providing necessaries for y^e Expedition to defray y^e Charges of Building y^e Battoes for y^e Transportation of y^e Quota of forces Raised in this Province for y^e Expedition,

Ordered, That Mr Mompesson doe Communicate y^e Same to y^e Assembly

At a Councill held at ffort Anne in New York, y^e first day of August, 1711.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll D'PEYSTER,
Doctor STAATS,
Cap^t WALTER,

Mr VAN DAM,
Mr MOMPESSEON,
Mr BARBERIE.

Ordered, that Mr Barberie doe desire y^e Assembly to prepare a Bill for y^e effectuall punishing of Mutiny Desertion & Disobedience as well in any of the Troops Raised for the present Expedition ag^t Canada as in any of y^e Militia of this Province durement y^e Continuance of the Said Expedition

At a Councill held at ffort Anne in New York, this 2^d day of August, 1711.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Doctor STAATS,
Coll BEEKMAN,
Mr VAN DAM,

Coll HEATHCOTE,
Mr BARBERIE,
Mr PHILLIPSE.

The Bill Intituled, an Act for y^e Security and defence of this Colony durement the Expedition to Canada was Read twice and Committed to y^e Gentlemen of this Board or any five of them.

Coll D'Peyster and Cap^t Walter took their places at y^e Board

The Resolve of y^e Assembly upon the Message sent by this Board to them yesterday Relateing to y^e punishment of Mutiny Desertion and Dissobedience together with y^e Act relateing to y^e Militia is Referred to y^e Consideration of y^e Gentlemen of this Board or any five of them.

At a Councill held at ffort Anne in New York, y^e 3^d day of August, 1711.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll D'PEYSTER,
Doctor STAATS,
Mr VAN DAM,

Coll HEATHCOTE,
Mr BARBERIE,
Mr PHILLIPSE.

Mr Phillipse Reported from the Committee to whom was Committed the Bill Intituled, an Act for y^e Security and defence of this Colony durement y^e Expedition to Canada, that they have gone through the same and made Some Amendments thereto which were Read and agreed to by y^e Board.

Then the Bill was Read a third time with y^e Amendments and past

Ordered, That Mr Phillipse doe Carry the Said Bill to y^e Assembly and acquaint them that this Board doe agree to y^e Same with Some Amendments to which they desire y^e Concurrence of that house

At a Council held at ffort Anne in New York, y^e ffourth day of August, 1711.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll D'PEYSTER,
Doctor STAATS,
Cap^t WALTER,

M^r BARBERIE,
M^r PHILLIPSE.

A Message from y^e Assembly that they agree to all y^e Amendments made by this Board to y^e Bill Entituled, an Aet for y^e Security and defence of this Colony durance y^e Expedition to Canada Except y^e 2^d 3^d 4th & 5th Amendments.

Resolved, that this Board doe Recede from y^e 2^d 3^d 4th & 5th Amendments to y^e Said Bill.

Ordered, That M^r Phillipse doe acquaint y^e Assembly therewith.

Ordered, That y^e Seeretary doe Command y^e Attendance of y^e Assembly here Imediatley Who being Come his Excellency gave his Assent to y^e following Bills, viz^t

A Bill Intituled, An Act for Reviveing an Act Entituled, An Act to prevent Selling or giveing of Rum or other Strong Liquors to y^e Indians, and to prevent y^e Imbezleing of any of y^e Cloathing Arms or Accoutrements Sent by her Majesty for the Service of y^e present Expedition.

A Bill Entituled, An Act for the Security and defence of this Colony durance y^e Expedition to Canada.

Then his Excellency made the following Speech to them and prorogued them to y^e Tenth day of September next.

Gentlemen.

I thinke my selfe obliged to thank you in her Majesties name for what you have done at this time toward assisting her in this Great Expedition now in hand against her and your Enemyes, and I make noe doubt but by the blessing of God yo^r Endeavours will meet with Suitable Success. The apprehension of dainger the Season of the yeare and yo^r owne desires have determined me to prorogue you for some Small time And you are accordingly prorogued to y^e Tenth of September next Eusueing at which time I hope to meet you here with a cheerfull Disposition to take effectuall Care of what has beene soe long under deliberation and what soe nearly concerns you, that is y^e Support of Government, the Publick Debts and y^e Security of yo^r fronteers.

[N. Y. Colonial MSS., LVI., 97.]

BY HIS EXCELLENCEY

ROBERT HUNTER Esq^r Cap^t Generall and Governour in Cheife of the Provinces of New York, New Jersey & Territories thereon depending in America and Vice Admirall of the Same &c

A PROCLAMATION.

WHEREAS the Generall Assembly of the Said Province of New York Stands prorogued to this day but there not being a Sufficient number of y^e Members thereof in Towne to make an house I have therefore thought fitt by vertue of y^e power and Authority unto me Given by her Majesty under the Broad Seale of Great Brittain, flurther to prorogue the Said Generall Assembly and I doe hereby prorogue the Said Generall Assembly unto Monday the flirst day of Oetober next Of which all her Majesties Subjects in the Said province of New York are to take Notice accordingly.

Given under my hand and Seale at ffort Anne in New York this Twentieth day of September in the Tenth yeare of the Reigne of our Sovereigne Lady Anne by the Grace of God of Great Brittain flrance and Ireland Queene Defender of the flaith &c Annoq Din 1711.

Ro: HUNTER.

By his Excellencies Command
GEO. CLARKE.

FOURTEENTH ASSEMBLY SECOND SESSIONS.

Att a Council held at ffort Anne in New York, this Second day of October, 1711.

PRESENT — *His Excellency* ROBERT HUNTER, Esq^r, &c.,

Coll D PEYSTER,
Doctor STAATS,
Cap^t WALTER,

M^r VAN DAM,
M^r BARBERIE,
M^r BYERLEY.

His Excellency having sent to the Assembly to Command their Attendance on him in y^e Council Chamber and they being come hee made the following Speech to them—

Gentlemen,

Though yo^r Meetings have beene frequent, I find with unspeakable Sorrow, the Occasions for them Multiply. The Miscarriage of that Great, that well concerted Enterprize, the Cheife Advantage of which was to redound to you, To her Majesty only the Glory and pleasure of having purchased for you at a very deare rate a lasting tranquility.

I say this fatall miscarriage calls loud for your Utmost application at this time to Obviate the designs of an Enemy Animated by our ill Success and prompted by Revenge who without doubt will Speedilly make Some Attempt upon her Majesties Subjects where they find them most unprovided.

ffor this Cause I must now again with all y^e Earnestness Imaginable Intreat you to take into yo^r thoughts the present State of her Majesties Government here which hitherto hath had noe Support, that the Officers thereof may be Enabled with Chearfull hearts and ready hands to Undertake what may be necessary for our Common Defence.

That you would also Consider and find a Speedy Remedy for the Woefull State of yo^r ffrontiers at Albany and Schenectady, of which these Letters from the Mayor & Corporation of Albany and the Commissioners of Indian Affairs will Sufficiently Inform you. ffor this purpose I beleive you will Judge it necessary to Continue in pay dureing this Winter Two hundred men at least of the Troops Raised by this Province for Strengthening those Garrisons and to find meanes to Repaire those fforts which at present are in Ruines.

I must also put you in mind that y^e Militia Act and will quickley Expire by it's own Limitation, and soe wants a Continuation by another.

The Debts of y^e Government Crye soe loud that I am Confident there is noe body here who has not been sometimes moved with a Generous Compassion for those who suffer under them.

ffind out Remedyes for those Evills, and y^e best of princes will thank you, yo^r Enemies feare you, yo^r f fellow Subjects applaud you, yo^r posterity bless you and I with all y^e Efforts of my Life Endeavour to serve you

At a Council held at ffort Anne in New York, this 4th day of October, 1711.

PRESENT — *His Excellency* ROBERT HUNTER, Esq^r, &c.,

Coll D'PEYSTER,
Cap^t WALTER,

M^r VAN DAM,
M^r BARBERIE,
M^r BYERLEY.

A Message from y^e Assembly that they have past a Bill Entituled, An Act to Authorize the Surviveing Commissioners for y^e Expedition to reduce Canada to Act and pursue y^e powers Committed to them as fully as if Cap^t John D'Peyster Dece^d were still alive and to make provision in Case of y^e Death of any other of y^e Commissioners.

Which Bill was read twice & Committed to y^e Gentlemen of this Board or any flive of them.

His Excellency Acquainted this Board that yesterday he Received a Message from the Assembly to know his Excellencies pleasure if y^e Guards & Centinells placed at y^e Severall Beacons may not at present be Discharged from that attendance the reason of their being posted there Seeming to be Ceased.

Ordered, That y^e Colonell or other Commanding Officer of y^e Militia doe Discharge y^e Guards & Centinells from y^e Said Severall Beacons.

At a Council held at ffort Anne in New York y^e 5th day of October, 1711.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll D'PEYSTER,
Doctor STAATS,
Cap^t WALTER,
M^r VAN DAM,

M^r BARBERIE,
M^r PHILLIPSE,
M^r BYERLEY.

M^r Byerley Chairman of the Committee to whom was Committed the Bill Entituled, An Act to Authorize y^e surviveing Commissioners for y^e Expedition to Reduce Canada to Act and pursue y^e powers Committed to them as fully as if Cap^t John D'Peyster Dece^d were still alive and to make a provision in Case of y^e Death of any other of y^e Commissioners, Reported that they have gone through y^e Said Bill without Any Amendment.

Which Bill was Read a third time and past.

Ordered, that M^r Byerley doe Acquaint the Assembly that this Board doe agree to y^e Said Bill without any Amendment

His Excellency Sent to Command y^e Attendance of y^e Assembly who being Come his Excellency Gave his Assent to y^e Aforesaid Bill Entituled, An Act to Authorize y^e Surviveing Commissioners for the Expedition to Reduce Canada to Act & pursue y^e powers Committed to them as fully as if Cap^t John D'Peyster Dece^d were still alive and to make a provision in Case of y^e Death of any other of y^e Commissioners

At a Council held at ffort Anne in New York y^e 17th day of October, 1711.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll D'PEYSTER,
Doctor STAATS,
M^r VAN DAM,

Coll HEATHCOTE,
M^r MOMPESON,
M^r BYERLEY.

The Bill Sent from y^e Assembly Entituled, An Act for y^e better Settling the Militia of this Province and makeing it more usefull for y^e Security and defence thereof was read the first time and

Ordered, to be read a Second time; and then

The Said Bill was read a Second time, and Committed to y^e Gentlemen of this Board or any five of them

His Excellency Recommended to y^e Committee to whom y^e aforesaid Bill is Committed to prepare and bring in a Bill for y^e better Discovery and more effectually enforcing y^e payment of y^e Quitt Rents

At a Council held at ffort Anne in New York, y^e 18th day of October, 1711.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Doctor STAATS,
Coll BECKMAN,
M^r VAN DAM,

Coll HEATHCOTE,
M^r BARBERIE,
M^r BYERLEY.

Col Schuyler and Mr. Mompesson took their place at y^e Board.

The Bill Entituled, An Act for y^e assigning of Sheriffes was read y^e first time.

Ordered, That it be Read a Second time.

At a Council held at ffort Anne in New York, y^e 20th day of October, 1711.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll SCHUYLER,
Doctor STAATS,
M^r VAN DAM,
Coll HEATHCOTE,

M^r MOMPESSEON,
M^r BARBERIE,
M^r BYERLEY.

M^r Mompesson presented to this Board a Bill Entituled, An Act for y^e better Recovery of her Majesties Quitt Rents.

Which Bill was Read the first time and ordered to be read a Second time.

The said Bill was Read a Second time, and Committed to the Gentlemen of this Board or any five of them.

At a Council held at ffort Anne in New York, this 23th day of October, 1711.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll D'PEYSTER,
Doctor STAATS,
M^r BARBERIE,

M^r PHILLIPSE,
M^r BYERLEY.

Ordered, That y^e Secretary acquaint y^e Assembly that his Excellency on his arrivall at Albany did pursuant to their Desire Disband y^e forces Raised by this Province to serve in y^e Expedition against Canada Retaineing in pay one hundred and fifty men or neare that number for y^e Defence of the frontiers, severall whereof his Excellency is Informed are since Deserted, and That he will compleat their number out of y^e Palatines.

That his Excellency has given Directions for Repairing y^e fortifications of Albany and Schenectady which is now doing.

That pursuant to her Majesties Commands hee has Contracted for y^e Building Two fforts with a Chappell in each in y^e Indian Country with accommodations for Missionaries. The Expense whereof her Majesty is Graciously pleased to Defray.

At a Council held at ffort Anne in New York, y^e 25th day of October, 1711.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll SCHUYLER,
Coll D'PEYSTER,
Doctor STAATS,
Coll BECKMAN,

M^r BARBERIE,
M^r PHILLIPSE,
M^r BYERLEY.

The Bill Entituled, An Act for laying a further Duty on y^e Tonnage of Vessells and on Slaves and for Repealeing the Acts heretofore made relateing to those Dutyes was Read the first time and

Ordered, to be Read a Second time.

At a Council held at ffort Anne in New York, y^e 26th day of October, 1711.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll SCHUYLER,
Coll D'PEYSTER,
Doctor STAATS,
M^r VAN DAM,

Coll HEATHCOTE,
M^r BARBERIE,
M^r PHILLIPSE,
M^r BYERLEY.

The Bill Entituled, An Act for laying a Duty on Chimneys and a Poll was Read the first time and Ordered to be Read a Second time

The Bill Entituled, An Act to prevent y^e Impaireing the fortifications was Read y^e first time and

Ordered, to be Read a Second time

The Said Bill was Read a Second time and Committed to the Gentlemen of this Board or any five of them.

The Bill Intituled, An Act for y^e Regulation and Establishment of flees was Read a first time and ordered to lye on y^e Table.

At a Councill held at ffort Anne in New York this 30th day of October, 1711.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll SCHUYLER,
Doctor STAATS,
Cap^t WALTER,
M^r VAN DAM,

M^r BARBERIE,
M^r PHILLIPSE,
M^r BYERLEY.

The Bill Intituled, An Act to prevent Soldiers & Sailors from Deserting her Majesties Service and Servants and Slaves Deserting their Masters or Mistresses was read y^e first time and

Ordered, to be Read a Second time.

M^r Rinders and others appeareing according to order to be heard on their petition against Some Clauses in the Bill Entituled, An Act for Laying a Duty on y^e Tonnage of Vessells and on Slaves and for Repealeing y^e Acts heretofore made relateing to those Dutyes,

The Said Bill was Read a Second time and the Petitioners havinge beene heard the said Bill was Committed to the Gentlemen of this Board or any five of them.

The Bill Entituled, An Act for laying a Duty on Chimneys and a Poll was read the second time and Committed to y^e Gentlemen of this Board or any five of them.

At a Councill held at ffort Anne in New York, this ffirst day of November, 1711.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll SCHUYLER,
Doctor STAATS,
Cap^t WALTER,
Coll BEEKMAN,

M^r VAN DAM,
Coll HEATHCOTE,
M^r BARBERIE,
M^r BYERLEY.

M^r Van Dam Reported from the Committee to whom was Committed y^e Bill Entituled, An Act Reviveing An Act for y^e better Settling the Militia of this Province and makeing it more useful for y^e Securety and Defence thereof that they have gone through ye Same without any Amendment.

Ordered, That y^e Bill be Read a Third time

The said Bill was Read a Third time and past without any amendment.

Ordered, That M^r Van Dam doe Acquaint y^e Assembly that this Board doe Agree to y^e said Bill without any Amendment.

M^r Byerley Reported from y^e Cōmittee to whom was Committed the Bill Entituled, An Act to prevent the Impairing y^e ffortifications that they have gone through the Same without any amendment

Ordered, That y^e Bill be Read a Third time.

The said Bill was Read a third time and past without any Amendment.

Ordered, That M^r Byerley doe Acquaint y^e Assembly that this Board doe Agree to the said Bill without any Amendment

Coll Heathcote Reported from y^e Committee to whom was Committed y^e Bill Entituled, An Act for y^e better Recovery of her Majesties Quitt Rents that they have gone through the Same and made Some Amendments thereto which were read and agreed to by the Board.

Ordered, That the Bill be Read a third time.

The said Bill was read a third time and past with the Amendments.

Ordered, That y^e Bill with y^e Amendments be Engrossed.

M^r Byerly for M^r Phillipse Reported from y^e Committee to whom was Committed y^e Bill Entituled, An Act for laying a Duty on Chimneys and a Poll, that they have gone through the Same and made Some Amendments thereto which were read and Agreed to by y^e Board.

Ordered, That y^e Bill with y^e Amendments be Read a third time.

The said Bill with y^e Amendments was Read a third time and past.

Ordered, That M^r Byerley doe Carry the said Bill with y^e Amendments to the Assembly and acquaint them that this Board doe agree to y^e said Bill with some Amendments to which they desire y^e Concurrence of that house.

M^r Barberie Reported from y^e Committee to whom was Committed the Bill Entituled, An Act for laying a further Duty on the Tonnage of Vessells and on Slaves and for Repealeing the

Acts heretofore made relating to those Duties, That they have gone through the said Bill and made some Amendments thereto which were Read and Agreed to by the Board.

Ordered, That y^e Bill with y^e Amendments be Read a third time.

These following Amendments were made to the said Bill.

fol 1. Line 9th after y^e word [Vessell] and before y^e word [wholly] Insert the word [not]

fol. 2^d. Line y^e 6th After y^e word [the] and before y^e word [of] Leave out y^e word [Treasurer] and in Lieu thereof Insert these words [Receiver Generall]

After y^e word [Colony] in the Same Line and before y^e word [for] Insert these words [or Commissioner for Executing that office for y^e time being]

The said Bill was Read a third time and past with y^e Amendments.

Ordered, That M^r Barberie doe Carry the said Bill with y^e Amendments to y^e Assembly and Acquaint them that this Board doe Agree to the said Bill with Some Amendments to which they desire y^e Concurrence of that house.

The Bill Entituled, An Act to prevent Soldiers and Sailors from Deserting her Majesties Service and Servants and Slaves Deserting their Masters or Mistresses was Read y^e Second time and Committed to the Gentlemen of this Board or any five of them.

His Excellency Communicated a Letter from Coll Dudley Liv^t Generall Nicholson and Coll Vetch Which he Received by Express relating to Addresses to her Majesty for Reviving the Expedition against Canada.

Ordered, That y^e Gentlemen of this Board or any five of them be a Committee to prepare and Adresse to her Majesty Concerning the late Expedition and to pray her Majesty to Revive it.

At a Councill held at ffort Anne in New York this 2^d day of November, 1711.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Doctor STAATS,
M^r VAN DAM,
Coll HEATHCOTE,

M^r BARBERIE,
M^r PHILLIPSE,
M^r BYERLEY.

The Committee to whom it was Referred haveing Drawne an Address to her Majesty it was Read and Agreed to by this Board.

Ordered, That the Secretary lay it before the Assembly and desire their Concurrence therein.

Coll Heathcote left his place.

Coll D^rPeyster Cap^t Walter and M^r Mompesson took their places.

M^r Van Dam for Coll Heathcote Reported from the Committee to whom was Committed the Bill Intituled, An Act to prevent Soldiers or Sailors from Deserting her Majesties service and Servants and Slaves from Deserting their Mastors and Mistresses, That they have gone through the same and made severall amendments thereto which were Read and agreed to by the Board.

And y^e following amendments were likewise made thereto

Before y^e amendment in y^e 24th Line of fol 2 add these words [unless it be persons of good Reputation and well knowne in this province]

At the End of y^e Bill add these words [This Act to Continue in force dureing y^e Continuation of y^e present Warr and untill a peace be proclaimed in this province]

The said Bill with the amendments was Read and Ordered to be Engrossed.

At a Councill held at ffort Anne in New York, this 5th day of November, 1711.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll SCHUYLER,
Coll D^rPEYSTER,
Doctor STAATS,

Coll HEATHCOTE,
M^r BARBERIE,
M^r BYERLEY.

A Message from y^e Assembly that they doe agree to the Address drawne by this Board to her Majesty with some amendments to which they desire y^e Concurrence of this Board.

Which were Read and agreed to by the Board.

Ordered, That y^e Adresse with the amendments be Engrossed.

M^r Van Dam took his place

The Engrossed Bill Entituled, An Act to prevent Soldiers and Sailors from Deserting her Majesties service and Servants or Slaves Deserting their Mastors or Mistresses was Read a third time and past.

Ordered, That Coll Heathcote doe carry it to y^e Assembly and desire their Concurrence thereto.

Cap^t Walter took his place at y^e Board.

The Engrossed Bill Entituled, An Act for y^e better Recovery of her Majesties Quitt Rents was Read the third time and past.

Ordered, That Coll Heathcote doe Carry it to y^e Assembly and desire their Concurrence thereto.

At a Councill held at ffort Anne in New York, this 8th day of November, 1711.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll SCHUYLER,
Coll D'PEYSTER,
Doctor STAATS,
Coll BEEKMAN,

M^r VAN DAM,
M^r BARBERIE,
M^r PHILLIPSE,
M^r BYERLEY.

The Liv^{ts} whom her Maj^{ty} Sent hither to be Employed in the late Expedition haveing Informed his Excellency that they Intend to Petition y^e Assembly for y^e Continuance of the additional pay directed by her Majesty to be paid them by this Province.

Ordered, That Coll Schuyler Acquaint the Assembly that this Board hopes they'l take y^e Same into their Consideration and provide for soe many of them at least as were Employed in the late Expedition Especially Since his Excellency Intends to Send them to y^e frontiers, His Excellency Intending to Recommend to y^e Government of Connecticut to doe y^e Same for those they Employed and that he will Endeavour that y^e like be done in Jersey.

The Bill Entituled, An Act for Raiseing Two thousand Eight hundred fifty five ounces of plate was Read the first time and Ordered to be Read a Second time.

The Address prepared to her Majesty being Engrossed was Signed by y^e Gentlemen of y^e Councill present and ordered to be Sent to y^e Assembly for them to Signe it likewise.

The Bill Entituled, An Act for Appointing An Ageneey for New York at Great Brittain was Read the first time and Ordered to be Read a Second time.

At a Councill held at ffort Anne in New York, this 9th day of November, 1711.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll SCHUYLER,
Coll D'PEYSTER,
Doctor STAATS,
Cap^t WALTER,
Coll BEEKMAN,

M^r VAN DAM,
M^r BARBERIE,
M^r PHILLIPSE,
M^r BYERLEY.

His Excellency Communicated to this Board a Letter from Governor Dudley with a vote of y^e Assembly of Massachusetts Bay Concerning a Meeting of y^e Governors on y^e Affaire of y^e present Warr with the french in Canada and a Letter from Liv^t Generall Nicholson and one from Coll Saltonstall on the Same affaire and likewise her Majesties Instructions relateing to y^e Quota's of y^e Neighbouring provinces of money for Re-building the fforts of Albany & Schoneetady and for y^e Repartition of Men for y^e defence of y^e frontiers of this Province in Case they be Invaded by an Enemy and then desired y^e Opinion of ye Councill thereon.

Whereupon the Season of y^e yeare the sitting of y^e Assembly here and y^e daily Expectations of Some further Accounts of hostilities on y^e fronties which Require his Excellencies presenee here being Considered It is y^e Opinion of this Board that it will not for those reasons be adviseable or Safe for his Excellency to goe this fall to Rhode Island or any where out of this province to y^e Congresse and that his Excellency Acquaint Governor Dudley Governor Soltonstall and y^e Governor of Rhode Island what measures are taking here for y^e Defence of y^e frontiers and to Desire them to use their Endeavours that their provincees may Contribute proportionably pursuant to y^e Queens Instructions for y^e Defence of y^e frontiers of this Province which have beene already actually Invaded by the Enemy and that his Excellency Send a Copy of those Instructions to them and Acquaint them that according to her Maj^{ties} Instructions his Excellency and Liv^t Generall Nicholson have Contracted for y^e building two fforts in the Indian Country Which may be Garrison'd out of y^e Quota's of men of this & the Neighbouring provinces and to desire them to hasten theirs all they can.

Ordered, That Coll D'Peyster lay before y^e Assembly the aforesaid Letters and Vote together with y^e opinion of this Board.

His Excellency likewise Communicated to this Board a Letter from y^e Commissioners at Albany and a paper with advice from y^e Cinekes

Which Coll D'Peyster is likewise Desired to lay before y^e Assembly with a Request from this Board that they will Revive y^e Act to prevent y^e Selling or Giveing Strong Liquors to y^e Indians pursuant to y^e desire of y^e Commissioners.

The Bill Intituled, An Act for Raiseing Two thousand Eight hundred fifty five ounces of plate was Read the Second time & Committed to the Gentlemen of this Board or any five of them

The Bill Entituled, An Act for Appointing an Agency for New York at Great Britain was Read a Second time.

Then the question was put, Whether y^e Bill be Committed? It past in y^e Negative.

Then y^e Question was put Whether y^e Bill be rejected? It past in y^e Affirmative.

Ordered, That the Said Bill be Rejected.

At a Councill held at ffort Anne in New York this 12th day of November, 1711.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll D'PEYSTER,
Doctor STAATS,
Cap^t WALTER,

Mr BARBERIE,
Mr BYERLEY.

The Bill Entituled, An Act to Restraine the bringing of any personall Action in the Supreme Court in this Colony under the Value of Twenty pounds was Read the first time and

Ordered to be Read a Second time.

The Bill Entituled, An Act for paying the Arreares due to y^e s^rforces late Raised in the County of Suffolk for y^e Expedition Against Canada in the yeare 1709 was Read the first time and

Ordered to be Read a Second time.

At a Councill held at ffort Anne in New York, the 15th day of November, 1711.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Doctor STAATS,
Cap^t WALTER,
Coll BEEKMAN,

Mr BARBERIE,
Mr PHILLIPSE,
Mr BYERLEY.

The Bill Intituled, An Act for the Treasurers paying Eight thousand and Twenty five ounces of plate to his Excellency was Read the first time and

Ordered to be Read a Second time.

Coll D'Peyster took his place at y^e Board.

The Bill Entituled, An Act for y^e Treasurers paying Three thousand Seaven hundred and fifty ounces of plate to his Excellency was Read the first time and

Ordered to be Read a Second time.

The Bill Intituled, An Act for paying y^e Arreares due to y^e s^rforces late Raised in the County of Suffolk for the Expedition against Canada in the yeare 1709 was Read the Second time and Committed to the Gentlemen of this Board or any five of them.

A Message from y^e Assembly in these words :

Ordered, That Mr Cuyler doe Returne the Bill Entituled, An Act for laying a further Duty on y^e Tonnage of Vessells and on Slaves &c And y^e Bill Entituled, An Act for laying a Duty on Chimneys and a Poll to y^e Councill and acquaint them that this house is well assured they Cannot but be Sufficiently Informed of y^e Undoubted right and Constant Resolves of this house not to admitt of Any Amendment to be made by that Board to Money Bills.

Resolved, That this Board doe adhere to their Amendments made by them to the Said Bills

Ordered, That the Gentlemen of this Board or any five of them be a Committee to draw up Reasons for their Said Amendments And y^e Committee to have power to Send for persons papers and Records

At a Council held at ffort Anne in New York, the 16th day of November, 1711.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Doctor STAATS,
Cap^t WALTER,
M^r VAN DAM,

M^r BARBERIE,
M^r BYERLEY.

The Report of y^e Committee for Drawing up their Reasons for makeing Amendments to Money Bills was Read and Confirmed.

Resolved, that Cap^t Walter Acquaint y^e Assembly that this Board was Surprized to find in y^e Order of y^e Assembly to M^r Cuyler of y^e 14th Instant to Returne to y^e Council Two Money Bills to which they had made Some Amendments, That y^e Assembly Say they are well assured the Council Cannot but be Sufficiently Informed of y^e Undoubted right and Constant Resolves of that house not to admitt of Any Amendments to be made by y^e Council to Money Bills, for this Board is not Sufficiently Informed either of y^e One or y^e other, On y^e Contrary the Council find that in An Act passed 1703 Entituled, An Act for Raiseing fiftene hundred pounds towards Erecting two Batteries at y^e Narrows to which y^e Council made many Amendments That y^e Assembly Agreed to three & Twenty without any alteration or addition, and to another with Some addition, That this Board likewise finds that the Assembly Agreed to Some Amendments made by y^e Council to y^e Bill Entituled, An Act to Charge y^e Severall Citys and Countys in this Colony with One hundred florty three pounds ten Shillings & Ten pence for fitting and furnishing a Roome for y^e Generall Assembly with a Lobby in y^e City hall of y^e City of New York, both which, not to Instance in others (which it is Easie to doe from y^e begining of Assemblys here) are Enough to show that y^e Council are not Sufficiently Informed of y^e Assemblys Undoubted Right and Constant Resolves not to Admitt of Any Amendments to be made by y^e Council to Money Bills.

That y^e Council Conceive that they have a Right to Alter or Amend Money Bills, both from y^e practice and likewise by their being a part of y^e Legislature Constituted as they Conceive by y^e Same power as y^e Assembly are Which is by y^e mere Grace of y^e Crowne Signified in the Governours Commission And wee know of noe power the Crowne has given to y^e Assembly to take that right from y^e Council by any Resolves of theires, the Council rather beleive if it wanted any Ratification that her Majesty would be pleased to grant it to y^e Council for they find that the Lords of Trade & plantations are of opinion That y^e Council have Undoubtedly as much to doe in forming of Bills for y^e Granting and Raiseing of Money as the Assembly and Consequently have a right to Alter or Amend Any Such Money Bills as well as the Assembly as it may be Seene in y^e Lord Cornburys Speech to y^e Assembly of this Province y^e 27th of September 1706 Which is printed with y^e Journals of y^e Assembly.

The Bill Entituled, An Act for the Treasurer to pay to his Excellency Eight thousand and Twenty five ounces of plate was Read the second time and Committed to y^e Gentlemen of this Board or any five of them.

The Bill Entituled, An Act for y^e Treasurers paying three thousand seaven hundred & fifty ounces of plate to his Excellency was Read y^e second time and Committed to y^e Gentlemen of this Board or any five of them.

At a Council held at ffort Anne in New York, y^e 17th day of November, 1711.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll D'PEYSTER,
Doctor STAATS,
Cap^t WALTER,

M^r BARBERIE,
M^r BYERLEY.

M^r Byerley Reported from the Committee to whom was Committed y^e Bill Entituled, An Act for y^e Treasurers paying Three thousand seaven hundred & fifty ounces of plate to his Excellency That they have gone through the same without any amendment.

Then the Bill was by Order Read y^e third time and past.

Ordered, That M^r Byerley acquaint the Assembly that this Board doe agree to y^e said Bill without any amendment

M^r Barberie Reported from the Committee to whom was Committed y^e Bill Entituled, An Act for paying y^e arrears due to y^e fforces late Raised in the County of Suffolk for y^e Expedition against Canada in y^e yeare 1709 That they have gone through the same and made an amendment thereto.

Which was Read and agreed to by the Board.

Then the Bill with y^e amendment was by Order Read the Third time and past.

Ordered, That Mr Barberie doe carry the said Bill with y^e amendment to the Assembly and acquaint them that this Board doe agree to the said Bill with an amendment to which they desire y^e Concurrence of that house

Coll D'Peyster Chairman of y^e Committee to whom was Committed the Bill Entituled, An Act for Raiseing Two thousand Eight hundred and fifty five ounces of plate Reported that they have gone through the same without any amendment

Then the Bill was by Order Read a third time and past

Ordered, That Coll D'Peyster acquaint y^e Assembly that this Board doe Agree to y^e said Bill without any amendment.

Mr Van Dam took his place at y^e Board.

Cap^t Walter Chairman of y^e Committee to whom was Committed y^e Bill Entituled, An Act for y^e Treasurer to pay to his Excellency Eight thousand and Twenty five ounces of plate Reported that they have gone through the same and made an amendment thereto which was Read and agreed to by y^e Board.

Then y^e Bill with y^e amendment was by Order read the third time and past.

Ordered, That Cap^t Walter carry y^e said Bill with y^e amendment to y^e Assembly and acquaint them that this Board doe agree to the said Bill with an amendment to which they desire their Concurrence.

His Excellency Acquainted this Board that hee Received a Message from y^e Assembly yesterday Desiring that in Regard y^e Season of the yeare is advanced and severall of their members necessitated to depart to their habitation his Excellency will signifye his pleasure to what time they may best be adjourned.

On Consideration whereof It is

Ordered, that y^e Secretary Acquaint the Assembly that Soe Soone as those Bills which lye now before y^e Councill and their house for y^e Support of Government and other Emergent occasions are past his Excellency will prorogue them till y^e next Spring.

A Message from y^e Assembly that they have past a Bill Entituled, An Act for Reviveing An Act Entituled, An Act to prevent the Selling or Giveing of Rum or other Strong Liquor to y^e Indians in y^e County of Albany

Which Bill was Read y^e first time and Ordered to be Read a Second time.

The Said Bill was Read a Second time and Committed to y^e Gentlemen of this Board or any five of them.

Doctor Staats Reported from y^e Committee to whom was Committed the Bill Entituled, An Act for Reviveing An Act Entituled, An Act to prevent y^e Selling or Giveing of Rum or other Strong Liquors to y^e Indians in y^e County of Albany that they have gone thro' y^e Same without Any Amendment.

Then the Said Bill was by Order read the Third time and past.

Ordered, That Doctor Staats Acquaint y^e Assembly that this Board doe Agree to the Said Bill without Any Amendment.

At a Councill held at ffort Anne in New York, y^e 19th day of November, 1711.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Doctor STAATS,
Mr VAN DAM,
Mr BARBERIE,

Mr PHILLIPSE,
Mr BYERLEY.

His Excellency Communicated to this Board the Answer of y^e Assembly of Saturday last to y^e Councills Message to them of y^e day before Which follows in these words viz^t.

Die Sabbati 17^o Novembris 1711.

The Message from y^e Councill yesterday by Cap^t Walter being taken into Consideration

Ordered, That y^e following Answer be Returned to that Board viz^t.

The Generall Assembly of this Colony by many Cleare Reasons are fully Satisfyed with the right they have not to admitt of any Amendments by the Councill to Money Bills And therefore Continue their former Resolutions.

Tis true the Share the Councill have (if any) in the Legislation does not flow, from any Title they have from y^e natnre of that Board, Which is only to advise, or from their being Another Distinct State or Ranke of People in the Constitution, Which they are not, being all Commons but only from y^e mere pleasure of the Prince Signified in y^e Commission.

On the Contrary the Inherent Right y^e Assembly have to Dispose of y^e Moneys of y^e ffreemen of this Colony does not proceed from any Commission, Letters Patents, or other Grant from y^e Crowne but from y^e free choice and election of y^e people who ought not to be Divested of their property (nor Justly Can) without their Consent, any former Condiscentions of other

Assemblies will not prescribe to y^e Council a privilege to make any of those Amendments, and therefore they have it not.

If the Lords Commissioners for Trade and plantation did Conceive noe reason why y^e Council should not have y^e right to Amend Money Bills, is farr from Concludeing there is none, the Assembly understand them very well, and are Sufficiently Convinced of y^e necessity they are in not to admitt of any Ineroachment soe much to their prejudice.

Ordered, That Major Van Brunt doe carry this answer to y^e Council.

By order of y^e Generall Assembly

GAB^l LUDLOW, Cl.

The Consideration thereof is Referred to a fuller Board.

His Excellency took Notice that y^e said Message is not Entred in the votes. Whereupon It is

Ordered, That y^e Secretary Inquire of y^e Clerk of y^e Assembly why that Message is not Inserted in y^e votes, and to Require his Answer in Writeing.

The Bill Entituled, An Act for Sundry Sūmes of money to be paid by y^e Treasurer was Read the first time and Ordered to be Read a Second time

At a Council held at ffort Anne in New York, y^e 20th day of November, 1711.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll D'PEYSTER,

Cap^t WALTER,

M^r VAN DAM,

M^r BARBERIE,

M^r BYERLEY.

The Bill Entituled, An Act to Oblige the Mannors in y^e County of West Chester to pay their arreares of Taxes was Read y^e first time and ordered to be Read a Second time.

The said Bill was Read y^e Second time and Committed to y^e Gentlemen of this Board or any five of them.

The Bill Entituled, An Act for Sundry Sūmes of money to be paid by y^e Treasurer was Read a Second time and Committed to the Gentlemen of this Board or any five of them

A Message from y^e Assembly that M^r Seabring doe Returne y^e Bill Entituled, An Act for y^e Treasurers paying Eight thousand and Twenty five ounces of plate to his Excellency, and also y^e Bill Entituled, An Act for paying y^e arreares due to y^e s^rores late Raised in y^e County of Suffolk for y^e Expedition against Canada in y^e yeare 1709 to the Council for their Concurrence, that house admitting of noe amendment to Money Bills.

Resolved, That this Board doe adhere to their amendments made to the said Bills and that they insist on their Right to make amendments to Money Bills.

Ordered, That Cap^t Walter carry this Resolve to y^e Assembly.

At a Council held at ffort Anne in New York, y^e 22^d day of November, 1711.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll D'PEYSTER,

Doctor STAATS,

Cap^t WALTER,

Coll BEEKMAN,

M^r VAN DAM,

M^r BYERLEY.

M^r Byerley Reported from the Committee to whom was Committed y^e Bill Entituled, An Act to Oblige y^e Mannors in the County of West Chester to pay their arreares of Taxes, That they have gone through y^e same without any amendment.

Then the said Bill was by Order Read the third time and past.

Ordered, That M^r Byerley doe acquaint y^e Assembly that this Board doe agree to the said Bill without any amendment.

M^r Barberie took his place at y^e Board

M^r Byerley for M^r Mompesson Reported from y^e Committee to whom was Committed the Bill Entituled, An Act for Sundry Sūmes of money to be paid by the Treasurer that they have gone through the same and made severall amendments thereto which were Read and agreed to by this Board.

Then the said Bill with y^e Amendments was Read a Third time and past.

Ordered, That M^r Byerley doe Carry the said Bill to y^e Assembly and Acquaint them that this Board doe Agree to y^e Same with Some Amendments to which they desire y^e Concurrence of that house.

His Excellency Communicated to this Board a Letter from Governor Dudley, Governor Saltonstall and Governor Cranston Concerning the Engaging the five Nations to an Actual Rupture with y^e French in Canada. Whereupon It is

Ordered, that the Secretary lay the Said Letter before y^e Assembly and Desire them to take it into their Consideration, and that in Regard that if y^e five Nations be Engaged in an Actual Warr with the French it will be absolutely necessary that a greater number of the Country Troops be Constantly Employed on y^e frontiers dureing y^e Warr for our Safety and defence which will Require Considerable Sūmes of money to defray y^e Expense,

His Excellency Desires y^e Assembly to give him their Opinion what they think proper for him to doe on this Occasion.

At a Councill held at ffort Anne in New York, the 24th day of November, 1711.

PRESENT — His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll D'PEYSTER,
Doctor STAATS,
Cap^t WALTER,
M^r VAN DAM,

M^r MOMPESON,
M^r BARBERIE,
M^r PHILLIPSE,
M^r BYERLEY.

A Message from y^e Assembly by Liev^t Coll Willet that he Return y^e Bill Entituled, An Act for Sundry Sūms of money to be paid by y^e Treasurer to y^e Councill for their Concurrence.

Ordered, that M^r Byerley Acquaint the Assembly that this Board made Severall Amendments to the said Bill which they Sent to that house, but they haveing neither Returned the Said Amendments to this Board nor Signified their Concurrence nor dissagrement to all or any of those Amendments Which this Board Conceives to be very Immethodical and Irregular, It is likewise

Ordered, that the said M^r Byerley Returne the Said Bill to y^e Assembly.

His Excellency Communicated to this Board the Assemblys Opinion on the Message Sent them by his Excellency in Councill the 22^d Instant concerneing the Letter he Received from Governour Dudley, Governour Saltonstall and Governour Cranston.

It is Referred to y^e Gentlemen of this Board to draw up and present to this Board what they think necessary and proper to be Returned as an Answer to the said Letter.

Att a Councill held at ffort Anne in New York this 24th day of November, 1711,

At three of y^e clock in y^e Afternoone.

PRESENT — His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll D'PEYSTER,
Doctor STAATS,
Cap^t WALTER,
M^r VAN DAM,

M^r MOMPESON,
M^r BARBERIE,
M^r PHILLIPSE,
M^r BYERLEY.

A Message from y^e Assembly by M^r Lackerman that he Returne the Bill Intituled, An Act for Sundry Sūms of money to be paid by the Treasurer with the Amendments with y^e reiterated resolve of that house not to admitt of any Amendment to Money Bills.

His Excellency Sent the Secretary to the Assembly to Command their Attendance Imediatley.

And they being Come, His Excellency gave his assent to y^e following Bills Enacting the Same and ordered them to be Enrolled viz^t.

An Act Reviveing An Act Entituled, An Act for the better Settling the Militia of this Province and makeing it more usefull for y^e Security and defence thereof.

An Act to prevent the Impairing the fortifications.

An Act for Raiseing Two thousand Eight hundred fifty five Ounces of plate.

An Act for y^e Treasurer's paying Three thousand Seaven hundred and fifty Ounces of plate to his Excellency.

An Act for Reviveing An Act Entituled, An Act to prevent the Selling or giving of Rum or other Strong Liquors to y^e Indians in the County of Albany.

An Act to oblige the Maunors in the County of West Chester to pay their Arrears of Taxes.

FOURTEENTH ASSEMBLY THIRD SESSIONS.

At a Council held at ffort Anne in New York, this 1st day of May, 1712.

PRESENT—

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll D'PEYSTER,
Doctor STAATS,
Cap^t WALTER,

Mr VAN DAM,
Mr BARBERIE,
Mr BYERLEY.

His Excellency having Commanded the Attendance of the Assembly and they being Accordingly Come he made the following Speech to them.

Gentlemen,

I can never perswade My Selfe that you have any real pleasure in hearing the dayly Cries and Complaints of the Officers of y^e Government & others who have Just demands upon it. Whilst the remedy is soe much in yo^r power, and yet it seems strange that during the space of Two Yeares that I have had the Honour to be at the head of it in a very Active time and Consequently of great Expenses, there has not been one farthing given towards its Support, ffor what Bills have been offer'd for that purpose have either been so deficient or Clog'd with Such Clauses and Circumstances as made it Imposible for the Council to pass them without an apparent breach of her Majestys Instructions which are the Constant and fixt Rules of their and my proceedings, whatsoever Weight they may bear with you. And when they have as it was their duty amended them you have as often Resolved not to admitt of Such Amendm^{ts} upon a very ill grounded pretence that the Council had noe right to Amend Money Bills I have Sufficient warrant to affirme that pretence to be ill grounded from this paragraph in the Lords Commissioners of Trades Letter to me of 13th of November Last In these words "As to the "Assemblys pretence that the Council Cannot Amend a Money Bill, It is Groundless and will "not be allowed of here. The Council haveing an Equall Right with them in Granting of "money there being nothing in her Majestys Commission to you under the Great Seale of the "Kingdom to the Contrary, By vertue of which Commission they only Sit as an Assembly "and therefore you will doe well To Acquaint them herewith that they noe Longer Insist upon "what is Soe ill-grounded.

In the next place I am to put you in mind of the danger on yo^r frontiers, Which you will Sufficiently undstand by this Representation from the people there, Two fforts now a Building in the Indian Countrys must be Garrison'd forthwith by her Majestys Troops in this Province, and these Letters from the Governour of Bermudas as well as other good advices which I have Received will Convince you of the necessity I lye under of Calling for one more of the Independant Companys from Albany for the Security of this Place, not being very Sure upon what parts this Storme is to Breake, it being alsoe more than probable that the Effort will be made where they Judge wee are Least prepared to Receive them, This I think Sufficient to Convince you of the necessity of Raiseing a fforce proportioned to the present Exigency.

If I may prevail with you at this time to lay aside all animosities and needless disputes, and heartilly to take into yo^r Consideration what so nearly concernes yo^r peace and welfare and that of yo^r posterity, I have my wish, If not, I must Rest Satisfy'd with the Comfort of haveing done my Duty in admonishing you, and the Testimony of a good Conscience, ffor what have I neglected within the compasse of my power by Night or day for yo^r Service, and whose Ox or whose Asse have I taken.

At a Council held at ffort Anne in New York, this 7th of May, 1712.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll D'PEYSTER,
Doctor STAATS,
Cap^t WALTER,
Coll RENSELAER,

Coll HEATHCOTE,
Mr BARBERIE,
Mr PHILLIPSE,
Mr BYERLEY.

His Excellency Communicated to this Board a Letter to him from the Right hon^{ble} the Earle of Dartmouth Her Majestys Principle Secretary of State whereby he Acquainted him that it is her Majestys Pleasure to Ord^r that, that part of the Stores allotted for the Expedition to Canada which were Left under his Excellencys care should remaine with his Excellency for the publick Service. Which Letter is ordered to be Entered in the minitts of Council as foll viz^t.

WHITEHALL 13th February 17¹/₂S^r

Colonel Nicholson having given an account upon his arrival here that two thousand Small arms with a Considerable quantity of powder & Ball part of the Stores allotted for the Expedition to Canada were Left under yo^r care, I am commanded to Acquaint you, Her Majesty is pleased to Order they should remain with you for the Publick Service, as you cannot but Look upon this to be a mark of Her Majestys goodness to Her Subjects in those parts, I hope so Large a Supply will Likewise be Sufficient for yo^r Security. The Enclosed paper is a Copy of a Minute taken at the Treasury, by which you will see how readily the disbursements made for the use of the Government have been Complied with here. I am

S^r

Your Most humble Servant

DARTMOUTH.

His Excellency Acquaints the Board that there haveing beene a Great part of those Arms and Amünition carryed away and Imbezelled That hee will forthwith cause an Account to be taken of all the said Arms and Amünition Remaineing as well here as at Albany

Ordered, that the Deputy Secretary carry the said Letter together with the following Message from His Excellency to the Assembly.

Gentlemen,

By this Letter from the Right Hon^{ble} the Earle of Dartmouth her Majestys principle Secretary of State you will be made Acquainted with her Majestys Signall goodness to and care of her Subjects in these parts and I am und^r an obligation to Acquaint you that if Speedy care be not taken to Repaire the Magazines that great quantity of powder of Severall thousands of pounds vallue must Inevitably be spoilt and by that meanes her Majestys good Intentions frustrated and the province disappointed of soe considerable meānes for their Commone defence in Case of danger from the Enemy soe that I hope you'l take into yo^r Consideration that matter with the Repaire of the ffort wall which is in a bad condition by the Report of M^r Ebbetts whom I appointed to Survey it Lately.

The Late Hellish Attempt of yo^r Slaves is sufficient to Convince you of the necessity of putting that Sort of men under better Regulation by Some good Law for that purpose, and to take away the Root of that Evill to Encourage the Importation of White Servants. I must Againe begg Leave to Reccommend to you unanimity and dispatch in the matters that soe nearly concerne you.

At a Councill held at ffort Anne in New York, this 8th day of May, 1712.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll D'PEYSTER,
Doctor STAATS,
Cap^t WALTER,

Coll RENSELAER,
M^r BYERLEY.

M^r Van Dam, M^r Barberie and M^r Philipse took their places.

Col Heathcote took his place.

It is Referred to the Gentlemen of this Board or any five of them to Inspect into the Militia Act and to Consider wherein it is defective and what may be necessary to be done to make the Militia of this province more usefull

At a Councill held at ffort Anne in New York, this 10th day of May, 1712.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Doctor STAATS,
Cap^t WALTER,
Coll RENSELAER,

M^r BARBERIE,
M^r PHILLIPSE,
M^r BYERLEY.

His Excellency Sent to Command to Attendance of the Assembly who being Come His Excellency was pleased with the Advice of the Councill to prorogue them to Tuesday next the thirteenth Day of this present month

At a Council held at ffort Anne in New York, this 15th day of May, 1712.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Doctor STAATS,
Cap^t WALTER,
Coll BEEKMAN,

Coll RENNELAER,
M^r BARBERIE,
M^r BYERLEY.

Whereas in the Last Act of Generall Assembly of this province Entituled, An Act for the Reviveing An Act of Generall Assembly Entituled, An Act for better Settling the Militia of this province and making it more usefull for the security & defence thereof, An Omission was made in the Said Act for Reviveing that part of the Last Act for the Same purpose relating to the City of Albany, and his Ex^{ty} & Council haveing taken y^e Said Act for Settling the Militia of this province into their Considerations conceive that the following clauses will be very necessary to be added to the said Act viz^t.

May it please y^r Excellency

In Obedience to y^{or} Excellencys Order in Council of the Eighth day of May Instant wee have Inspected into the Militia Act and haveing Considered wherein the Same is defective and what may be necessary to be done to make the Militia of this province more usefull, humbly Report the Same to y^{or} Excellency as foll viz^t.

That no Gun shall pass muster under Three foot an halfe the Barrell being well fixt with Stock & Lock

That forthwith after y^e publication of this act there be a Generall Muster of the whole Regiments throughout the province.

That there be two Generall Traineing days of the whole Regiments every yeare (to wit) on the first Tuesday in Aprill and the third Tuesday in June throughout the province Except the County of Albany which shall be on the first fryday in february and the first Tuesday in July.

That the Cap^t of every respective Company in this province shall Draw out his Company to muster and exercise three times a yeare (to wit) one day in June, September & March yearly.

The fines for the Colonell or Commanding field officers 20^{li}, the Cap^t or Commanding officers of each Company 10^{li}. in Case they neglect to draw out & Exercise their Respective Regiments and Companys according to the Direction of this Act and in Case of allarme that they neglect to draw out their Companys together and march them to the City of New York, Albany or any other place that the Captain Generall or Commander in Cheife shall direct, Then the fine for the Collonells 60^{li} y^e Cap^{ts} 30^{li}.

That the Act made in September 1710, as to what relates to Albany be Confirmed.

That at or before every Traineing upon the penalty aforesaid the Captain or Comanding officer of every Respective Company by himself Serj^{ts} or Corporalls shall Examine the arms and amunicon of every Soldier under his Comand and if any be found defective forthwith to Levy the fines as the Law directs.

That In Case of allarm noe officer or private Soldier after appeareing in arms shall absent or withdraw himselfe from y^e Company to which he belongs without Leave and Consent of the Commanding officer thereof on the same penalty as for non appearance.

That the Troops in Kings County, Queens County and West Chester be Included and mentioned in the Act in the Clause relating to the Troops

That Dureing y^e present warr all P^{rs}ons whatsoever who are Exempted from serving in the militia be in every County formed into a Company and obliged to be fixt with arms and amunicon and appeare at y^e City of New York or at any other place or places where the Cap^t Generall shall direct under the same penaltys as any officer or Soldier belonging to the militia. Excepting as Excepted in the Late Act Intituled, An Act for the security and defence of this Colony dureing y^e Expedicon to Canada.

That in case of allarm the Mayor &c of the Citys of New York and Albany have power and be directed to billet out y^e soldiers amongst the Inhabitants who shall be brought into the respective Citys &c

That each Capt. or Commanding officer of every Respective Company forthwith after such Training shall deliver to the Coll or Comanding field officer of such Regiment an Exact List of the Soldiers in his Company on the penalty of five pound & the Coll or Comanding field officer of such Regiment forthwith to Transmit the same to the Governour &c on the penalty of Ten pounds.

The fines to be Levyed on the field officers by warrant under the hand and seal of the Captain Generall or Commander in Cheife and the fines on the Captains by warrant from the Coll or in his absence the Commanding field officer.

All officers (to whom any warrants are directed to Levy fines) who shall neglect or Refuse to Execute them shall forfeit Ten pounds for each default.

All these fines to be given to her Majesty towards repaireing the fortifications of Albany and Schoneclady.

That the Beacons be continued during this warr in the same manner as was Directed Last yeare.

Whereupon his Excellency and Conncill Recommend it to the Assembly to bring in a New Bill to Explaine the Last Act for Settling the Militia of this province and to render it more usefull and effectuall by adding therein y^e severall Clauses before mentioned as Likewise the said Clause relateing to the City of Albany which was omitted in the Last Act as aforesaid

Ordered, that the Deputy S^ccry carry the said Message to the Assembly for their Consideracōn

At a Council held at ffort Anne in New York, this 23th day of May, 1712.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll D'PEYSTER,
M^r VAN DAM,
Coll HEATHCOTE,

M^r MOMPESSEON,
M^r BYERLEY.

It is referred to the Gentl of this Board or any five of them to prepare and bring in a Bill for the Continuing and Rendring more effectuall the Militia Act.

At a Council held at ffort Anne in New York, this 29th day of May, 1712.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll D'PEYSTER,
Cap^t WALTER,
Coll BEEKMAN,
Coll HEATHCOTE,

M^r MOMPESSEON,
M^r BARBERIE,
M^r BYERLEY.

A Bill Entituled, An Act to Encourage the makeing Lintseed Oyle was Read the first time and

Ordered to be Read a Second time.

The said Bill was Read a Second time and Committed to the Gentlemen of this Board or any five of them.

At a Council held at ffort Anne in New York, this 31st day of May, 1712.

PRESENT —

His Excy ROBERT HUNTER, Esq^r, &c.,

Doctor STAATS,
Coll BEEKMAN,
Coll RENSELAER,

M^r MOMPESSEON.
M^r BYERLEY.

The Bill sent from y^e Assembly Entituled, An Act for paying Eight thousand Twenty five Ounces of plate to his Excellency was read the first time and

Ordered to be read a Second time.

The said Bill was read a Second [time] and Committed to y^e Gentlemen of this Board or any five of them.

Then the Council adjourned.

At a Council held at ffort Anne in New York, y^e s^d 31st of May, 1712.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Doctor STAATS,
Cap^t WALTER,
Coll BEEKMAN,

Coll RENSELAER,
M^r MOMPESSEON,
M^r BYERLEY,

M^r Byerley Chairman of the Cōmittee to whom was Committed the Bill Entituled, An Act for paying Eight thousand Twenty five ounces of plate to His Excellency Reported from the Cōmittee that they have gone through the said Bill without any amendment.

Ordered, that the Said Bill be read the third time.

Then the said Bill was read the third time and past without amendment.

Coll D'Peyster took his place.

Ordered, that Mr Byerley Acquaint the Assembly that this Board do agree to the Bill Entituled, An Act for paying Eight thousand Twenty five Ounces of plate to His Excellency without Any Amendment.

At a Council held at ffort Anne in New York, this 6th day of June, 1712.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll D'PEYSTER,
Doctor STAATS,
Mr VAN DAM,

Mr BARBERIE,
Mr BYERLEY.

The Bill Entituled, An Act appointing An Agency for New York at Great Britain read the first time and

Ordered to be read a Second time.

The said Bill was read a Second time and *Ordered* to Lye on the Table.

Mr Renselaer took his place.

Mr Barberie Reported from the Committee to whom was Committed the Bill Entituled, An Act to Incourage the Making Lintseed Oyl that they have gone through the Said Bill without Amendment.

The Said Bill was Read the third time and past without Amendment.

Ordered, that Mr Barberie Acquaint the Assembly therewith.

The Assembly Sent for and being Come his Excellency past the Said Act and the Bill Entituled, An Act for paying Eight thousand Twenty five Ounces of plate to His Excellency.

The Report about the Militia Act Read and Confirmed.

At a Council held at ffort Anne in New York, this 7th day of June, 1712.

PRESENT —

His Excell ROBERT HUNTER, Esq^r, &c.,

Coll D'PEYSTER,
Doctor STAATS,
Cap^t WALTER,

Coll RENSELEAR,
Mr BARBERIE,
Mr BYERLEY.

The Bill Entituled, An Act for paying the Officers of the Government read the first time and *Ordered* to be read a Second time.

The Bill Entituled, An Act for paying y^e Arrears due to the Officers late raised in the County of Suffolk for the Expedition Against Canada in the year 1709 was read the first time and

Ordered to be read a Second time.

Ordered, that the Attorney General forthwith prepare a Bill for Continueing and Rendring more effectual the Militia Act.

The Bill Entituled, An Act for paying fifteen hundred Ounces of plate for Security of y^e frontiers about Albany was read y^e first time &

Order'd to be read a Second time.

Mr Byerley presented to this Board a Bill Entituled, An Act for the better Recovery of her Majestys Quitt Rents.

Which Bill was by Order read the first and

Ordered to be read a Second time.

At a Council held at ffort Anne in New York this 12th day of June, 1712.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Doctor STAATS,
Cap^t WALTER,
Mr VAN DAM,
Coll HEATHCOTE,

Coll RENSELAER,
Mr MOMPESON,
Mr BARBERIE,
Mr BYERLEY.

The Bill Entituled, An Act for paying the British officers was read the first time and *Ordered* to be read a Second time

The said Bill was read a Second time and Committed to the Gentlemen of this Board or any five of them.

The Bill Entituled, An Act for the Assigning of Sheriffs was read the first time and
Ordered to be read a Second time.

The Bill Entituled, An Act for paying the Arrears due to the forces Late raised in the County of Suffolk for the Expedition against Canada in the year 1709, was read the Second time and Committed to the Gentlemen of this Board or any five of them.

The Bill Entituled, An Act for the better Recovery of her Majestys Quit rents was read the Second time and Committed to the Gentlemen of this Board or any five of them.

His Excellency Communicated to this Board a Letter from the Justice of the peace of Albany of the 4th Instant desiring the Act to prohibit the Selling or giving of Rum or other Strong Liquors to the Indians may be revived.

Ordered, that Coll Renselaer do Lay the said Letter before the Assembly with a request from this Board that they will take the same into their Consideration and pass a Bill accordingly.

At a Council held at ffort Anne in New York, this 13th day of June, 1712.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll D'PEYSTER,
Doctor STAATS,
Cap^t WALTER,
Coll RENSELAER,

M^r MOMPESON,
M^r PHILLIPSE,
M^r BYERLEY.

His Excellency Communicated to this Board a Letter from the Commissioners of the Indian Affairs at Albany of the Seaventh Instant acquainting him that they are Informed the five Nations are going out a fighting to the Southward, that they have reced power from the french at Cadaraqua and that its apprehended they will Joyn with the Tuscarora Indians against the people of Carolina, that the five Nations have already declared they will not Joyn with her Majestys Interest if there should be occassion.

As also a Letter from the said Commissioners of the 6th Instant Acquainting him that they have reced advice that there has been an Engagement between the Inhabitants of Maryland and the Indians who live near that Country, that the five Nations being told that this Governour Joyned with the people of Carolina against the Tuscarora Indians they have laid aside their thoughts of accomodateing that affair and had forbid their Indians to go to Albany that the french make it their buisness to Induce the Indians to send the Queens arms out of their Country telling them that by those the Queen claims it and that they will Loose their Country which they may see by the dearness of powder.

Whereupon it is the opinion of this Board and it is accordingly

Ordered, that Coll Renselaer and M^r Phillipse Lay the said Letters before the Assembly and Acquaint them that they will thereby see that the french are using all possible Endeavours to bring over the five Nations of Indians to their Interest that it is to be apprehended if some Speedy measures be not taken they will effect their designs; wherefore that this Board is of opinion it is absolutely necessary to send some men of Credit to them to Indeeve them of the ill impressions they have reced from the french to Engage them to a firm adherence to their covenants and promises to this Government. That in order to this this Board is of opinion that it will be requisite to make the Indians a Suitable present at this time, they therefore earnestly recommend it to the Assembly to take the same into their Consideration and to provide such a suply of money as may be necessary to defray y^e Charges and expenses of sending such Messengers as aforesaid with Interpreters, and for such a present.

At a Council held at ffort Anne in New York, this 13th day of June, 1712.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r &c.,

Coll D'PEYSTER,
Doctor STAATS,
Coll HEATHCOTE,
Coll RENSELAER,

M^r MOMPESON,
M^r BARBERIE,
M^r PHILLIPSE,
M^r BYERLEY.

M^r Phillipse reported that Coll Renselaer and he have Laid before the Assembly the Letters sent by them to that house this morning relating to the Indians with the Message sent thereon by this Board.

Ordered, that Coll D'Peyster, Coll Heathcote, Coll Renselaer and Mr Phillipse be a Committee to meet some of the members of the Assembly to Consider of the Subject Matter of the said Letters.

At a Council held at ffort Anne in New York, the 14th day of June, 1712.

PRESENT — *His Excell. ROBERT HUNTER, Esq^r, &c.,*

Coll D'PEYSTER,
Doctor STAATS,
Coll HEATHCOTE,
Coll RENSELAER,

Mr MOMPESSEON,
Mr PHILLIPSE,
Mr BYERLEY.

The Bill Entituled, An Act for paying fifteene hundred ounces of plate for securing of the frontiers about Albany was read a Second time and Committed to the Gentl of this Board or any five of them

At a Council held at ffort Anne in New York, y^e 16th day of June, 1712.

PRESENT — *His Excell. ROBERT HUNTER, Esq^r, &c.,*

Coll D'PEYSTER,
Doctor STAATS,
Cap^t WALTER,
Coll BEEKMAN,
Mr VAN DAM,
Coll HEATHCOTE,

Coll RENSELAER,
Mr MOMPESSEON,
Mr BARBERIE,
Mr PHILLIPSE,
Mr BYERLEY.

His Excell^y Communicated to this Board a Letter from Baltus Van Cleek a Justice of the peace of Dutches County of the 14th Instant acquainting him that the Katskill Indians had sent a belt of Wampum to the Indians in Dutches County warning them to prepare for warr and that nine Days after the Date of the Letter the Sinies and Shawanas would fall upon the Inhabitants along Hudsons River.

It is the opinion of this Board and accordingly

Ordered, that Coll D'Peyster Lay the Letter before the Assembly and acquaint them that this Board does once more recommend to their Consideration the defenceless Condition of the frontiers.

The Bill Entituled, An Act for Reviveing, Amending or Continuing of Sundry Acts relateing to the militia of this province and for makeing the militia more usefull for the Secerity & Defence thereof was read the first time & ordered to be read a second time.

The Said Bill was read a Second time and Committed to the Gentlemen of this Board or any five of them.

The Bill Entituled, An Act for paying the Officers of the Government was read the Second time and Committed to the Gentlemen of this Board or Any live of them.

At a Council held at ffort Anne in New York, the 17th day of June, 1712.

PRESENT — *His Excellency ROBERT HUNTER, Esq^r, &c.,*

Coll D'PEYSTER,
Doctor STAATS,
Cap^t WALTER,
Mr VAN DAM,

Coll BEEKMAN,
Mr BARBERIE,
Mr BYERLEY.

Mr Van Dam for Coll Heathcote Reported from y^e Committee the Bill Entituled, An Act for Reviveing, Amending or Continuing of Sundry Acts relateing to the Militia of this province and for makeing the Militia more usefull for the Secerity and Defence thereof, that they have gone through the Same and made Some Amendments thereto which were read and agreed to by the Board.

Ordered, that the Bill with the Amendments be Ingrossed.

Mr Byerley reported from the Committee to whom was Committed the Bill Entituled, An Act for the better Recovery of her Majestys Quit rents, that they have gone through the Same without any Amendment

Ordered, that the Bill be Ingrossed.

Cap^t Walter reported from the Committee to whom was Committed the Bill Entituled, An Act for paying the Arrears due to the forces late raised in y^e County of Suffolk for the Expedition ag^t Canada in y^e yeare 1709, that that they have gone through the Same without Any Amendment.

Then the Said Bill was by order read the third time and past without any Amendments.

Ordered, that Cap^t Walter do Acquaint the Assembly that this Board do Agree to the Said Bill without any Amendment.

Coll D'Peyster reported from the Committee to whom was Committed the Bill Entituled, An Act for paying fifteen hundred ounces of plate for Security of the frontiers about Albany, that they have gone through the Same without any Amendment.

Then the Said Bill was by Order read the third time and past without any Amendment.

Ordered, that Coll D'Peyster do Acquaint y^e Assembly that this Board do agree to the Said Bill without any Amendment.

M^r Van Dam reported from the Committee to whom was Committed the Bill Entituled, An Act for paying the British Officers, that they have gone through the Same without any Amendment.

Then the Said Bill was read a third time and past.

Ordered, that M^r Van Dam Acquaint the Assembly that this Board do Agree to the Said Bill without Any Amendm^t.

At a Councill held at ffort Anne in New York, y^e 18th day of June, 1712.

PRESENT—

His Excell ROBERT HUNTER, Esq^r, &c.,

Coll D'PEYSTER,
Doctor STAATS,
M^r MOMPESON,

M^r BARBERIE,
M^r BYERLEY.

The Bill Entituled, An Act to Enable Mary Bratt y^e Widdow of Johannes Bratt late of the County of Albany to dispose of the part of the Lands and tenements formerly belonging to the Said Bratt for payment of his Debts and Educateing his Children, Read the first time and

Ordered to be read a Second time.

A Bill Entituled, An Act for prohibiting all persons but John Parmyter and his Assignes to make Lambblack during the space of five years, Read y^e first time and

Ordered to be Read a Second time.

The said Bill was Read a Second time and Committed to y^e Gentlemen of this Board or any five of them.

M^r Phillipse took his place at y^e Board.

An Act Entituled, An Act Reviveing An Act Entituled, An Act to prevent y^e selling or giving of Rum or other Strong Liquors to the Indians in y^e County of Albany and for Reviveing An Act Entituled, An Act for the better watching and Guarding y^e City of Albany, Read y^e first time and

Ordered to be Read a Second time.

The said Bill was Read a Second time and Committed to the Gentlemen of this Board or any five of them.

Ordered, that M^r Phillipse acquaint y^e Assembly that this Board desires they will be mindfull to put y^e State of the magazine in y^e fort in Repaire as was formerly Recommended to them by this Board.

Coll Heathcote took his place at y^e Board.

An Act Entituled, An Act to Enable William Anderson to Sell a Lott of Ground in Queen Street y^e Estate of the said William Anderson in right of Deborah his wife Deced, for y^e payment of Debts Contracted by his said wife before their Intermarryage, Read the first time and

Ordered to be read a Second time.

An Act Entituled, An Act for Laying a further Duty on y^e Tonnage of vessells and on Slaves and for Repealeing y^e acts heretofore made relateing to the Dutys, read y^e first time and

Ordered to be read a Second time.

At a Council held at ffort Anne in New York, y^e 19th day of June, 1712.

PRESENT —

His Excell ROBERT HUNTER, Esq^r, &c.,

Coll D'PEYSTER,
Cap^t WALTER,
Coll BEEKMAN,
M^r VAN DAM,

Coll HEATHCOTE,
M^r MOMPESON,
M^r BYERLEY.

The Ingrossed Bill Entitled, An Act for Reviveing, Amending or Continueing of Sundry Acts Relateing to the Militia of this province and for makeing the militia more usefull for the Security and defence thereof, Read and past.

Ordered, that Coll Heathcote doe carry y^e said Bill to y^e Assembly and desire their Concurrence thereto.

The Engrossed Bill Entitled, An Act for the better Recovery of her Majestys Quitt Rents Read and past.

Ordered, that M^r Byerley doe Carry y^e said Bill to y^e Assembly and Desire their Concurrence thereto.

The Bill Entitled, An Act to Enable Mary Bratt y^e widdow of Johannes Bratt Late of the County of Albany to dispose of part of the Lands and Tenements formerly belonging to y^e said Bratt for payment of his Debts and Educateing his Children, Read the Second time.

Ordered, that the said Bill be Committed to the Gentlemen of this Board or any five of them.

His Excellency Comūicated to this Board a Message from the Assembly by Liev^t Coll Schuyler and M^r Lakerman Desireing him since the approaching harvest The season of the yeare and their other occasions will necessitate y^e absence of many of the members from the service of the house hee will please to signifye the time most proper for their next meeting. It is

Ordered, that y^e Clerke of y^e Council acquaint y^e Assembly that Whereupon His Excellency is content that so soone as the buissness now depending before y^e Council and Assembly may be adjourned till after y^e harvest.

At a Council held at ffort Anne in New York, the 21st day of June, 1712.

PRESENT —

His Excell^{cy} ROBERT HUNTER, Esq^r, &c.,

Coll D'PEYSTER,
Coll BEEKMAN,
Coll HEATHCOTE,

M^r MOMPESON,
M^r BARBERIE,
M^r BYERLEY.

An Act for the better and more easy Carriage of Goods by Land or water within this Colony, Read the first time and

Ordered, to be read a second time.

M^r Phillipse took his place at y^e Board.

An Act Entitled, An Act for Laying a further Duty on the Tonnage of Vessells and on Slaves and for Repealing the Acts heretofore made Relateing to those Dutyes, Read the Second [time] and Committed to the Gentlemen of this Board or any five of them.

M^r Van Dam took his place at the Board.

An Act Entitled, An Act to Enable William Anderson to Sell a Lott in Queene Street the Estate of the said William Anderson in right of Deborah his wife Deceased for the payment of Debts contracted by his said wife before their Internmarriage, Read the Second time and Committed to the Gentlemen of this Board or any five of them.

At a Council held at ffort Anne in New York, the 24th day of June, 1712.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Cap^t WALTER,
Coll BEEKMAN,
Coll HEATHCOTE,

M^r MOMPESON,
M^r PHILLIPSE,
M^r BYERLEY.

His Excellency comūicated to this Board a Letter he Received from the Alderman and Magistrates of Albany of y^e 10th of June Instant acquainting him that y^e five nations Included to Joyne with y^e Tuscarora Indians, mistrusting that wee are Joined with those of Carolina to distroy them and that all the Indians are meeting on y^e Tuskohana River to Joine y^e Tuscarora

Indians, and desireing His Excellency's advice and assistance about this affaire, and Likewise desireing that Coll Schuyler may be Restored to y^e Cōmission of y^e Indian affairs

Coll D'Peyster and Doctor Staats took their places at y^e Board.

Whereupon it is y^e opinion of this Board that a Message be sent to y^e Assembly to Communicate y^e said Letter to them, and His Excellency also acquainted this Board that one Tunis Quick of this City haveing acquainted His Excellency that severall Indians have Lately bought upp great quantities of powder in this City His Excellency Desired y^e Assembly to send for y^e said Quick to Examine him thereto

Ordered, that y^e Deputy Secretary carry y^e said Message to the Assembly.

The Bill Entituled, An Act that Certaine moneys Levy'd on y^e Inhabitants of Kings County Remaineing in hands of y^e Collectors be paid to the Treasurer of that County Read the first time and

Ordered to be Read a Second time.

Coll Heathcote for John Barberie Esq^r Chairman of y^e Committee to whom was Cōmitted y^e Bill Intituled, An Act Reviving An Act Entituled, An Act to prevent y^e Selling or giving of Rum or other Strong Liquors to the Indians in y^e County of Albany and for Reviving An Act Entituled, An Act for y^e better watching & Guarding y^e City of Albany, Reported from y^e said Committee that they had gone through y^e said Bill without any amendments which was Read and Agreed to by the Board.

Ordered, that y^e said Bill be Read a third time.

Which Bill was Read a third time and past without any amendment.

Ordered, that M^r Phillipse Acquaint y^e Assembly that this Board doe agree to y^e said Bill without any amendment.

M^r Van Dam took his place at y^e Board.

Gerrardus Beekman Esq^r Chairman of y^e Committee to whom was Committed the Bill Intituled, An Act for prohibiting all persons but John Parmyter and his assignes to make Lambblack dureing y^e space of five yeares Reported from y^e said Committee that they have gone through y^e same, without any amendment.

Ordered, that the said Bill be read a third time

Then the said bill was read the [third] time and past without any amendment

Ordered, that Coll Beekman Acquaint y^e Assembly that this Board doe agree to the said Bill without any Amendment.

The Bill Entituled, An Act to Impower frederick Phillips a minor to Remove Kings [Bridge] to a more Commodious place and for Confirming y^e Toll thereof, Read the first time and

Ordered to be Read a Second time.

The Bill Entituled, An Act for y^e Treasurers paying y^e severall Sūmes of money therein Specified, Read y^e first time and

Ordered to Be Read a Second time.

At a Councill held at ffort Anne in New York, this 25th day of June, 1712.

PRESENT:—

His Excell ROBERT HUNTER, Esq^r, &c.,

Coll D'PEYSTER,
Doctor STAATS,
Cap^t WALTER,
Coll HEATHCOTE,

M^r MOMPESON,
M^r BARBERIE,
M^r BYERLEY.

A Message from y^e Assembly by M^r Lakeman to put this Board in minde of Severall Bills sent up from that house.

The Bill Entituled, An Act for the Assigneing of Sheriffs was read the second time.

And the question being put Whether y^e Bill be Cōmitted

It past in y^e negative.

Then the question being put whether the said Bill do Lye upon the Table

It past in the affirmative.

The Bill Entituled, An Act that certain moneys Levied on the Inhabitants of Kings County remaineing in the hands of the Collectors be paid to y^e Treasurer of that County, was read a second time & Cōmitted to the Gentlemen of this Board or any five of them.

Ordered, that the Bill Entituled, An Act for the better and more easy Carryage of goods by Land or water within this Colony be read a second time to morrow morning.

The Bill Entituled, An Act for the Treasurers paying the severall Sūmes of mony therein Specified, was read the Second time and Committed to the Gentlemen of this Board or any five of them.

M^r Phillipse took his place.

The Bill Entituled, An Act to Impower frederick Phillipse a minor to Remove Kings Bridge to a more Commodious place and for Confirming the Toll thereof, was read the Second time and Committed to the Gentlemen of this Board or any five of them

At a Council held at ffort Anne in New York, this 26th day of June, 1712.

PRESENT — *His Excell* ROBERT HUNTER, Esq^r, &c.,

Coll D'PEYSTER,
Doctor STAATS,
Cap^t WALTER,
Coll HEATHCOTE,

M^r BARBERIE,
M^r PHILLIPSE,
M^r BYERLEY.

The Bill Entituled, An Act for the better and more Easy Carriage of goods by Land or water within this Colony was Read a Second time and Committed.

The Petition of M^r Davis Collector ag^t the said Bill was read and referred to the said Committee.

His Excell having sent for the Assembly gave his assent to these following Bills viz^t

An Act Reviveing An Act Entituled, An Act to prevent the Selling or giving of Rum or other Strong Liquor to the Indians in y^e County of Albany and for Reviving An Act Entituled, An Act for the better watching and Guarding the City of Albany.

An Act for prohibiting all persons but John Parnyter and his assigns to make Lamblack dureing the space of five yeares.

An Act for paying the British Officers.

An Act for paying the arrears due to the fforces Late raised in y^e County of Suffolk for y^e Expedition against Canada in the yeare 1709.

An Act for paying fifteen hundred ounces of plate for security of the frontiers about Albany.

Then his Excell prorogued them to Thursday the seventeenth day of July next.

FOURTEENTH ASSEMBLY FOURTH SESSIONS.

*At a Council at ffort Anne in New York, this 28th day of August, 1712. **

PRESENT — *His Excellency* ROBERT HUNTER, Esq^r, &c.,

Doctor STAATS,
Cap^t WALTER,
Coll BECKMAN,

M^r BARBERIE,
M^r BYERLEY.

His Excellency told y^e Council that the Assembly sent a Message to him desireing that they might adjourn for a short time in regard it is now their seed time.

At a Council hld at ffort Anne in New York, y^e 17th day of September, 1712.

PRESENT — *His Excell* ROBERT HUNTER, Esq^r, &c.,

Coll D'PEYSTER,
Doctor STAATS,
Cap^t WALTER,

M^r BARBERIE,
M^r PHILLIPSE,
M^r BYERLEY.

His Excell having Sent to Command the Attendance of the Assembly he made the following Speech to them.

Gentlemen,

I flatter my self that this Session may put an End to all Disputes or Misunderstandings that have fallen out between the severall parts of the Legislature of this Colony, The more because the Contending Partys about the Revenue for Support of Government seem agreed as to the necessity of settling such a Revenue and to differ only about the measnres and means, The Reason given for the Extraordinary caution in the proceedings Relateing to that matter and which I assure you have had their due weight with me, are, former misapplication of publick

foud by which means private persons are deprived of their due and y^e province Loaded unnecessary Debts, I wish from my heart it were as easy a matter to find a remedy for past miscarriages as I am Confident it is to assigne one for Effectually preventing the Like for the future. Which Last I now offer you and make no doubt of your Acceptance of it. It being sufficient for the end propos'd and Indeed the Only one in my power. Her Majestys Royal Instructions to me. Containeing y^e following Command, "You are not to suffer any publick money whatsoever to be Issued or dispos'd of otherwise then by warrant under yo^r hand By " and with the advice and Consent of our said Conneill, But the Assembly may be nevertheless " permitted from time to time to view and examine the accounts of money or value of money " dispos'd of by virtue of Laws made by them which you are to signify to them as there shall " be occasion.)

Which is but the repetition of a clause in my patent.

The Expedient I propose is Certain'd in the following heads.

It may be Inacted in y^e Bill or Bills for Settling a Revenue that the Receiver Generall who has a patent under the Broad Seal who has given Secnrity in England and Shall if demand'd give y^e same within y^e Colony for the due Execution of his office, be obliged at the Expiration of every three months or upon every Quarter day to Lay before the Gov^r and Council, an account of the money by him Received for that use Dureing that time.

That every Quarter day all persons who have been dureing the proceeding three months Impley'd in the service of the Governmt deliver in their accounts of service, mony or goods so Impley'd which being Examin'd and allow'd by the Governour and Council, an account may be stated from thence of the Demands on that Quarters Revenue.

That if the Revenue for that Quarter amounts to a Summe Sufficient for that demand, then y^e Gov^r with y^e Consent of the Council may Issue his warrants for such sūms on y^e Receiver Generall.

If the Revenue in that Quarter falls short of that Demand y^e Governour is then to grant warrants for so much only as it does amount to.

And whensoever the Revenue shall Exceed y^e Expense in that Quarter what has been Left unpaid in any proceeding Quarter to be paid out of that overplus by warrants then granted as formerly

That all warrants be number'd and the Receiver Generall oblig'd to pay them in course as numbered.

And for the more effectual preventing the Issue of any warrants for more money Then there may be in the Receivers hands at the Expiration of every Quarter it may be Enacted that it be Expressed in each warrant that such Sūme be payable out of such other Sūme being the amount of the Revenue for such a Quarter.

No warrants being to be Issued untill such time as the Receiver Generall shall have Laid before y^e Governour & Council an Account of the Revenue by him Received that Quarter, That he be oblig'd to pay all such warrants as shall be Drawn for that Summe in their Course within a certain number of Days If Demanded, and upon his Refusal or non compliance y^e person or persons having such warrants to have an Action of Debt against him for the same.

That the Receiver Generall be oblig'd to Lay before y^e Assembly when Setting and requiring the same an account of the Revenue Receiv'd and of the warrants paid by him, That all persons demanding y^e same may at y^e office hours have recourse to his books of Accounts of the Revenue.

By these means the only material objection being remov'd, I can hardly be Induc'd to believe that you will any Longer deferr y^e doing of what is so absolutely necessary and what her Majesty most assur'dly expects from you, or that you can expect from me what I cannot do without incurring Her highest displeasure the heavy penalty annex'd to the breach of her Instructions not being able upon the nicest Scrutiny to accuse my self of any one action or thought which has not been Intended for her Majestys Service, and the General Good and Quiet of this Colony which I purpose Stedfastly to pursue and shall be always ready yo^r advice (*sic*) in the pursuit thereof.

I am further to Acquaint you that yo^r frontiers never more required yo^r care then at this present, as you will sufficiently understand by these Letters and papers which I must Recommend to yo^r perusal

At a Council held at ffort Anne, in New York this 20th day of September, 1712.

PRESENT —

His Ex^{ty} ROBERT HUNTER, Esq^r, &c.,

Coll D'PEYSTER,

M^r PHILLIPSE,

Cap^t WALTER,

M^r BYERLEY.

M^r BARBERIE,

The Bill Entitled, An Act for paying the Respective dues in arrear and to be Collected was Read the first time and

Ordered to be read a Second time.

At a Council held at ffort Anne in New York, this 25th day of September, 1712.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll D'PEYSTER,
Doctor STAATS,
Capt WALTER,
M^r VAN DAM,

M^r MOMPESSEON,
M^r BARBERIE,
M^r BYERLEY.

The Bill Entituled, An Act for paying y^e Respective Dues in Arrear And to be Collected was read y^e Second time and Committed to the Gentlemen of this Board or any five of them.

At a Council held at ffort Anne in New York, this 27th day of September, 1712.

PRESENT —

His Excell ROBERT HUNTER, Esq^r, &c.,

Coll D'PEYSTER,
Doctor STAATS,
Cap^t WALTER,
M^r VAN DAM,

M^r MOMPESSEON,
M^r BARBERIE,
M^r BYERLEY.

Upon Reading the Petition of the Recorder and Aldermen of the City of New York in the Absence of the Mayor praying his Ex^{cy} to recommend to the Assembly to provide for the Maintenance and Lodgment of the French prisoners put on Shore by Captain Elford being above Sixty in number. It is

Ordered, that the S^{ec}ery Lay the Said Petition before y^e Assembly And Acquaint that this Board do Earnestly Recommend the Consideration thereof to them.

At a Council held at ffort Anne in New York, this 30th day of September, 1712.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.

Coll D'PEYSTER,
Doctor STAATS,
Cap^t WALTER,
M^r VAN DAM,

Coll BEEKMAN,
M^r MOMPESSEON,
M^r BARBERIE.

Upon Reading the Petition of the proprietors or Owners of the Slaves that were Lately Executed for the Conspiracy and murder perpetrated in y^e City of New York in the month of Aprill Last, praying his Excellency to recommend it to the Generall Assembly of this Collony now Sitting to pass a Law to Enforce the payment of the Sumes of money intended to be paid to the Owner or Owners of Such Slaves as Should be executed by virtue of An Act made for preventing the Conspiracy of Slaves.

In regard therefore that the Justices of the peace have neglected to raise the Sumes of money necessary for the payment of the Slaves so as aforesaid Executed notwithstanding the powers invested for soe doing by virtue of the Aforesaid Act, It is the opinion of this Board and Accordingly

Ordered, that the Secretary do lay before the Assembly y^e Said Petic^on and Acquaint them that this Board do recom^{end} to them the passeing a Law for the Enforceing and better putting in Execution the aforesaid Act whereby the Petitioners may be relieved.

The Bill Entituled, An Act for preventing suppressing & punishing y^e Conspiracy and Insurrection of Negros and other Slaves was read the first time and

Ordered to be read a second time.

The Bill Entituled, An Act to Enable William Anderson to Sell a Lott of Ground in Queens Street the Estate of the said William, in right of Deborah his wife Dec^{ed} for the payment of Debts contracted by his said wife before their Intermarriage was read the first time and

Ordered to be read a Second time.

At a Council held at ffort Anne in New York, this 1st day of October, 1712.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll D'PEYSTER,
Doctor STAATS,
Capt WALTER,

M^r VAN DAM,
M^r BARBERIE,
M^r BYERLEY.

The Bill Entitled, An Act for the Treasurers paying two hundred and fifty ounces of plate to his Exc^y and that Coll Peter Schuylers receipt shall Discharge the Treasurer for one hundred pounds, formerly allowed him, was read the first time and

Ordered to be read a Second time.

The Bill Entitled, An Act for preventing Suppressing and punishing the Conspiracy and Insurrection of Negros and other Slaves was read the Second time and committed to the Gentlemen of this Board or any five of them.

The Bill Entitled, An Act to Enable William Anderson to Sell a Lott of Ground in Queens Street the Estate of the said William in Right of Deborah his wife Decēd for the payment of Debts contracted by his said wife before their Intermarriage was read the Second time and committed to the Gentlemen of this Board or any five of them.

The Bill Entitled, An Act for the Treasurers paying two hundred and fifty ounces of plate to his Excellency and that Coll Peter Schuylers receipt shall Discharge the Treasurer for one hundred pounds formerly allowed him, was read the Second time and committed to the Gentlemen of this Board or any five of them.

At a Council held at ffort Anne in New York, this 4th day of October, 1712.

PRESENT —

His Excell ROBERT HUNTER, Esq^r, &c.,

Coll D'PEYSTER,
Doctor STAATS,
Cap^t WALTER,

M^r MOMPESSEON,
M^r BYERLEY.

M^r Byerley Reported to (*sic*) the Committee to whom was committed the Bill Entitled, An Act for the Treasurers paying two hundred and fifty ounces of plate to his Excellency and that Coll Peter Schuylers receipt shall Discharge the Treasurer for one hundred pounds formerly allowed him, that they have gone through the same without any amendment.

Then the said Bill was by Order Read the third time.

Resolved, the said Bill do pass without any amendment.

Ordered, that M^r Byerley do acquaint the Assembly that this Board do agree to the said Bill without any amendment.

M^r Mompesson for M^r Barberie reported from the Committee to whom was committed the Bill Entitled, An Act for paying the respective dues in arrear and to be collected that they have gone through the same and made some amendments thereto which were read and agreed to by the Board.

Then the following amendments was made to the said Bill, fol 3 Line 25 after the word [Assembly] ending y^e said Line, insert these words [hereafter mencōned]

fol 4 Line 1st after the word [Ingoldesby] and before the word [one] Leave out these words [in particular]

Then the said Bill with the amendments was read the third time and past.

Ordered, that M^r Mompesson do carry the said Bill to the Assembly and acquaint them that this Board do agree to the same with some amendments to which they desire the concurrence of that house.

The Bill Entitled, An Act for Laying a further Duty on the Tonnage of Vessells and for Repealing the acts heretofore made relating to those Dutys, was read the first time and

Ordred to be read a Second time.

Then the said Bill was read a Second time and cōmitted to the Gentlemen of this Board or any five of them.

At a Council held at Fort Anne in New York, the 7th day of October, 1712.

PRESENT —

His Excellency ROB^t HUNTER, Esq^r, &c.,

Coll DEPEYSTER,
Cap^t WALTER,

M^r MOMPESSEON,
M^r BARBERIE,
M^r BYERLEY.

Roger Mompesson Esq^r Chairman of the Cōmee to whom was cōmitted the Bill Entitled, An Act to Enable William Anderson to Sell a Lott of Ground in Queen Street the Estate of the said William in right of Deborah his wife decēd for the payment of Debts contracted by his said wife before their Intermarriage, reported from the said Cōmee that they had gone through the same without any amendm^t.

Then an amendment was made to the said Bill by this Board as followeth In the fourth fo: after the word [to] ending the fourth line, & before the word [all] beginning the fifth line Inert these words *Her Majesty her Heires & Successors all bodies politick or corporat* & then the said Bill with the amendm^t was read and agreed to by this Board.

Ordered, that M^r Mompesson do carry the said Bill to the Assembly and acquaint them that this Board do agree to the said Bill with some amendment to w^{ch} they desired the Concurrence of that House.

Robert Walter Esq^r Chairman of the Committee to whom was Comitted the Bill Entituled, An Act for laying a further Duty on y^e Tonnage of Vessells & of Slaves & for repealing the Acts heretofore made relating to those Dutys, Reported from the said Cōmee that they have gone through the same and made some amendments thereto w^{ch} he read in his place and afterwards delivered the same at the Board where the same were read & agreed to

And then another amendment was made to the said Bill by this Board as followeth—fo 8 in the twenty fifth line after the word [applied] leave out these words [as the Governor Council and Assembly shall enact] and in lieu thereof inert these words [By warrant under the hand of the Governor of this province for the time being by & with the advice and Consent of her Majesty's Council for the said province for the time being]

M^r Byerley enters his Discent to all the aforesaid amendm^{ts} made to the said Bill except the last amendment.

And the said Bill with the said amendments was read the third time and agreed to.

At a Council held at ffort Anne in New York, this 13th day of Oct^r, 1712..

PRESENT —

His Excell ROBERT HUNTER, Esq^r, &c.,

Coll D'PEYSTER,
D^r STAATS,
Cap^t WALTER,
Coll BEEKMAN,

M^r VAN DAM,
M^r MOMPESSEON,
M^r BARBERIE,
M^r BYERLEY.

The Bill entituled, An Act to appoint Comm^{rs} to Examine & State several Claims alledged as Debts of the Governm^t was read the first time and

Ordered, to be read a second time.

Then the said Bill was read the second time & comitted to the Gentlemen of this Board or any five of them

Ordered, that Cap^t Walter do put the Assembly in mind of the Bill entitled, An Act for paying the respective dues in arrear and to be Collected sent from the Assembly to this Board and by them agreed to with some amendments & returned to the Assembly & Likewise to put them in mind of the Bill for the laying a further Duty on the Tonnage of Vessells and Slaves and for repealing the Acts heretofore made relating to these Duty's likewise agreed to by this Board with some amendments, and returned to the Assembly.

The Bill Entitled, An Act for reviving amending or continuing of sundry Acts relating to the Militia of this province and for making the militia more usefull for the security & Defence thereof was read the first time and

Ordered to be read the second time.

Then the said Bill was read the second time & comitted to the Gentlemen of this Board or any five of them

At a Council held at Fort Anne in New York, the 14th day of Oct, 1712.

PRESENT—

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll DEPEYSTER,
D^r STAATS,
Cap^t WALTER,
M^r VAN DAM,

M^r MOMPESSEON,
M^r BARBERIE,
M^r BYERLEY.

M^r Mompesson reported from the Com^{tee} to whom was Comitted the Bill Entituled, An Act to appoint Comm^{rs} to examine & state the Several claims alledged as Debts of the Gouvernement that they have gone through the same without any amendm^t.

Then the said Bill was read the third time and past without amendment.

Ordered, That M^r Mompesson do acquaint the Assembly y^t this Board do agree to the said [Bill] without any amendment.

The Report on the Petition of Coll Schuyler was read and confirmed.

Ordered, That the Secretary lay the said petition before the Assembly and acquaint them that this Board do recomend the consideration thereof to them.

At a Council held at Fort Anne in New York, this 16th day of October, 1712.

PRESENT—

His Excell ROB^t HUNTER, Esq^r, &c.,

Coll DEPEYSTER,
Doctor STAATS,
Coll BEEKMAN,

M^r BARBERIE,
M^r BYERLEY.

The Bill Entituled, An Act to Enable Mary Bratt the widow of Johannes Bratt late of the County of Albany to dispose of his Lands and Tenements for payment of his Debts & Educating his Children was read the first time &

Ordered to be read a second time.

Cap^t Walter took his Place.

The Bill Entituled, An Act for Naturalizing all Foreign Protestants in the Colony of New York was read the first time & ordered to be read a second time.

At a Council held at Fort Anne in New York, the 20th day of Oct, 1712.

PRESENT—

His Excell ROBERT HUNTER, Esq^r, &c.,

Coll D^rPEYSTER,
Doctor STAATS,
Cap^t WALTER,

M^r BARBERIE,
M^r BYERLEY.

M^r Van Dam took his place.

A Message from the Assembly by M^r Tenike that he do carry the Bill Entituled, An Act for paying the respective Dues in arrear & to be collected to this Board & acquaint them that that House have agreed to their amendm^ts made to the Bill.

Cap^t Walter from M^r Mompesson reported from the Com^{tee} to whom was comitted the Bill Entituled, An Act for preventing suppressing and punishing the Conspiracy and Insurrection of Negroes and other slaves that they have gone through the same and made some amendm^ts thereto, w^{ch} were read and agreed to and the following amendm^ts were likewise made thereto fo 2 leave out the word [and] beginning the last line and in lieu thereof incert the word [or]

Then the said Bill was by order read the third time and past with the said amendm^ts

Ordered, that Cap^t Walter do carry the said Bill to the Assembly and acquaint them that this Board do agree to the said Bill with some amendm^ts to which they desire the concurrence of that House

The Bill Entituled, An Act to Enable Mary Bratt the widdow of Johannes Bratt late of the County of Albany to dispose of part of the Lands and Tenements formerly belonging to the said Bratt for payment of his Debts and Educating his Children, was read the second time and comitted to the Gentlemen of this Board or any five of them.

The Bill Entituled, An Act for Naturalizing all Foreign Protes^tants in the Colony of New York was read the second time and comitted to the Gentlemen of this Board or any five of them.

At a Council held at Fort Anne in New York, the 22th day of Oct^r, 1712.

PRESENT —

His Excell ROBERT HUNTER, Esq^r, &c.,

Doctor STAATS,
Cap^t WALTER,
M^r VAN DAM,

M^r MOMPESSEON,
M^r BYERLEY.

Coll D'Peyster took his place at the Board

His Excellency having sent the Secretary to the Assembly to command their attendance immediately and they being come His Excellency communicated to them the Letter from the Lords of Trade of the 12th of June Last concerning the proceedings of the Assembly and at the same time delivered to their Speaker a Copy of such paragraphs thereof as related to them

At a Council held at Fort Anne in New York, this 23th day of Oct^r, 1712.

PRESENT —

His Excell ROBERT HUNTER, Esq^r, &c.,

Coll D'PEYSTER,
Doctor STAATS,
Cap^t WALTER,
Coll BECKMAN,

Coll HEATHCOTE,
M^r MOMPESSEON,
M^r BARBERIE,
M^r BYERLEY.

M^r Mompesson reported from the Com^{tee} to whom was Comitted the Bill Entituled, An Act to Enable Mary Bratt the widdow of Johannes Bratt late of the County of Albany to dispose of part of the Lands & Tenem^{ts} formerly belonging to the said Bratt for payment of his Debts & Educating his Children, that they have gone through the same without any amendment.

Then an amendment was proposed to the Board w^{ch} was agreed to and is as follows viz^t.

fo 2. leave out all from the word [Bratt] in the ninth line to the word [and] beginning the fourteenth line of the same page and in lieu thereof incert these words, Saving the right of her Majesty her Heirs and Successors, of all Bodies politick, Corporate & of all other persons whatsoever except the Said Mary Bratt and the right heirs of the Said Johannes Bratt.

Then the Said Bill was read the third time & past with the said Amendment.

Ordered, That M^r Mompesson do Carry the Said Bill to the Assembly and Acquaint them that this Board do Agree thereto wth An Amendment to which they desire the Concurrence of y^e House.

M^r Mompesson reported from the Com^{tee} to whom was Comitted the Bill Entituled, An Act for Naturalizing all Foreign Protestants in the Colony of New York that they have gone through the Same without any amendment.

Then the Said Bill was read the third time & past

M^r Byerley protests against the passing the Bill

Ordered, That M^r Mompesson do Acquaint the Assembly that this Board do Agree to the Said Bill without Any Amendm^t.

A Message from the Assembly by Lieu^t Coll Schuyler that he do Carry to this Board the Bill Entituled, An Act for preventing Suppressing and punishing the Conspiracy & Insurrection of Negroes and other Slaves & Acquaint them that that House have Agreed to the Amendment made thereto by this Board

The Bill entituled, An Act that certain moneys levyed on the Inhabitants of Kings County remaining in the Hands of the Coll^{rs} be paid to the Trear of that County was read y^e first time and ordered to be read a Second time.

The Bill entituled, An Act for better repairing the Fortifications of the City of Albany & Town of Schonectody & providing their Military Watches with firewood was read the first time &

Ordered to be read a Second time.

At a Council held at Fort Anne in New York, this 29th day of October, 1712.

PRESENT —

His Excellency ROB^t HUNTER, Esq^r, &c.,

Doctor STAATS,
Cap^t WALTER,
M^r MOMPESSEON,

M^r BARBERIE,
M^r BYERLEY.

A Message from the Assembly by M^r Livingston that the Assembly have Agreed to the Amendments made by this Board to the Bill entituled, An Act to Enable Mary Bratt

the widow of Johannes Bratt late of the County of Albany to dispose of his Lands & Tenements &c

A Message from the Assembly by Mr Cryler [with] the Bill Entituled, An Act for laying a further Duty on the Tonnage of Vessells & on Slaves and for repealing the Acts heretofore made relating to those Duty's whereby he Acquaints this Board that that House Cannott Agree to the Amendment made by this Board to that Bill.

Resolved, that this Board do adhere to their Amendments made to the Said Bill.

Ordered, that Cap^t Walter do Acquaint the Assembly that this Board do desire a Conference with a Comée of that House on the Subject matter of the Amendments made by this Board to the Said Bill, at the House of Mr Harris to morrow at five of the Clock in the afternoon and the Gentlemen of this Board or any five of them are thereby appointed a Comée to meet a Comée of the Assembly Accordingly.

Coll De Peyster took his place

The Bill entituled, An Act for making good the publick Creditt given by An Act of Assembly made in the first year of her Majestyes Reign for raising Eighteen hundred pounds for the uses therein Mencōned and for discharging the remaining part of the money still due on the Same advanced upon the Creditt of the Said Act with the Interest thereof, read the first time and

Ordered to be read the Second time.

The Bill entituled, An Act to Enable Isaac De Rienier Sen^r, Henry Coerten & Isaac De Renier Jun^r to sell and dispose of the Estate left by Margaretha Selynus late of the City of New York decēd, read the first time and

Ordered to be read a second time to morrow.

On reading the petition of Abraham Gouverneur, Isaac Gouverneur & Isaac D'Rienier Jun^r praying that the said Bill do not pass till the petitioners be heard what they have to alledge ag^t the same by their Council. It is

Ordered, that the parties concerned in the s^d Bill be served with a copy of the said petition & if they think fitt they may attend this Board to morrow on the Second reading the aforesaid Bill & the matter of the Said petition.

The Bill entituled, An Act that certain moneys levied on the Inhabitants of Kings County remaining in the Hands of the Collectors be paid to the Tréar of that County was read the Second time and comitted to the Gentlemen of this board or any five of them.

The Bill Entituled, An Act for better repairing the Fortifications of the City of Albany and town of Schenectody & providing their Military watches with Fire wood, read the Second time & Comitted to the Gentlemen of this Board or any five of them

The Bill Entituled, An Act for reviving An Act Entituled, An Act for the better settling the Militia of this province and making it more usefull for the Security & Defence thereof and for repealing all former acts heretofore made in this province relating to the same, read the first time and

Ordered to be read a Second time.

The Bill entituled, An Act for Electing and appointing four Assessors in the City & County of Albany, read the first time and

Ordered to be read a Second time.

The Bill entituled, An Act for Reviving An Act entituled, An Act for the better Settling the Militia of this province & making it more usefull for Security & Defence thereof and for repealing all former acts heretofore made in this province relating to the same read the Second time & Committed to the Gentlemen of this Board or any five of them.

The Bill entituled, An Act for Electing or appointing four Assessors in the City & County of Albany, read the Second time and Comitted to the Gentlemen of this Board or any five of them

At a Councill held at Fort Anne in New York this 30th day of October, 1712.

PRESENT —

His Excell ROBERT HUNTER, Esq^r, &c.,

Doctor STAATS,
Cap^t WALTER,
Coll BEEKMAN,
M^r VAN DAM,

Coll HEATHCOTE,
M^r MOMPESON,
M^r BARBERIE,
M^r BYERLEY.

M^r Byerley reported from the Committee to whom was Comitted the Bill Entituled, An Act for Electing or appointing four Assessors in the City & County of Albany, that they have gone through the same without any Amendment.

Then the said Bill was read the third time & past.

Ordered, that M^r Byerley do acquaint the Assembly that this Board do agree to the Bill without any Amendment.

Mr Barberie reported from the Committee to whom was Comitted the Bill Entitled, An Act that certain moneys leyed on the Inhabitants of Kings County remaining in the hands of the Collector be paid to the Trêar of y^e County, that they have gone through the same without any amendment

Then the said Bill was read the third time and past

Ordered, that Mr Barberie do Acquaint the Assembly that this Board do Agree to the Bill without any Amendment

Cap^t Walter reported from the Committee to whom was Comitted the Bill entitled, An Act for reviving An Act entitled, An Act for the better repairing the Fortifications of the City of Albany & Town of Shenectody and providing their Military watches with fire wood, that they have gone through the same without any Amendment

Ordered, that Capⁿ Walter do Acquaint the Assembly that this Board do Agree with the said Bill without any Amendment.

Doctor Staats reported from the Committee to whom was Comitted the Bill Entitled, An Act for reviving An Act Entitled, An Act for the better Settling the Militia of this province & making it more usefull for the Security and Defence thereof & for repealing all former Acts heretofore made in this province relating to the same, that they have gone through the same without any Amendment.

Then the said Bill was read a third time & past.

Ordered, that Doctor Staats do Acquaint the Assembly that this Board do Agreed to the said Bill without any Amendm^t

The Bill entitled, An Act for making good the publicke Creditt given by An Act of General Assembly made in the first year of her Majesty's reign for raising Eighteen hundred pounds for the uses therein mencōned & for discharging the remaining part of the money still due on the sume advanced upon y^e Creditt of the said Act with the Interest thereof, was read the Second time and Comitted to the Gentlemen of this Board or any five of them.

Upon reading the petition of Abraham Gouverneur, Isaac Gouverneur, and Isaac D'Reinier Jun^r praying to be heard by their Councill against the Bill sent up from the Assembly to this Board Entitled, An Act to Enable Isaac De Reinier Sen^r, Henry Courten & Isaac D'Reinier Jun^r to Sell and dispose of the Estate of Margareta Selyns late of this City, widdow decēd.

Whereupon the pet^{rs} were directed to proceed by their Councill & Councill being heard on both Sides

The Bill was read a Second time.

Then the Question was put Whether the Bill be rejected ?

It past in the affirmative.

Then the Question was put Whether the Bill be comitted ?

It past in the Negative.

Ordered, that the Bill be rejected.

At a Councill at Fort Anne in New York this 31th day of October, 1712.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Doctor STAATS,
Cap^t WALTER,
Coll BEEKMAN,

Coll HEATHCOTE,
M^r BARBERIE,
M^r BYERLEY.

His Excellency communicated to this Board a Message from the Assembly of the 25th Instant by Major Provoost and M^r Livingston that they wait on his Excellency with the humble desires of that House That a Copy of the Representation of the Councill to the said Comm^{rs} for Trade and plantations concerning the Assembly may be laid before them as also that his Excell will be pleased to communicate so much of the Letter from the same Lords to his Excellency of the 13th of Novemb^r (mencōned in the Letter of the twelfth of June) as relates to y^e House.

Upon which the said Representation was read and the Councill being of opinion that it contained nothing but what was sufficiently and the truth of it made evident by the proceedings and resolves of the Assembly and the Councills proceedings with relation to those resolves being since approved by the Lords of Trade The Councill are of opinion that y^e Govern^r if he pleases may lay a Copy of the said Representation before the Assembly as they have requested tho' they humbly conceive they lie under no obligation so to do

Mr Byerley reported from the Cōmee to whom was comitted the Bill entitled, An Act for making good the publick Creditt given by An Act of General Assembly made in the first year of her Majestys Reign for raising Eighteen hundred pounds for the uses therein mencōned and for discharging the remaining part of the money Still due on the sume advanced upon the Creditt of the Said Act with the Interest thereof that they have gone through the Same without Any Amendment

Then the Said Bill was read a third time and past.

Ordered, that M^r Byerley do acquaint the Assembly that this Board do agree to the said Bill without Any Amendment.

At a Council held at Fort Anne in New York, the 6th day of Nov^r, 1712.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll D'PEYSTER,
Cap^t WALTER,
M^r MOMPESSEON,

M^r BARBERIE,
M^r BYERLEY.

The Bill Entituled, An Act for Continuing the Excise & laying a Duty on Auctions, Vendues was read the first time and

Ordered to be read a Second time.

Then M^r Van Dam and Coll Heathcote took their places.

Then the Said Bill was read the Second time & Comitted to the Gentlemen of this Board or any five of them

At a Council held at Fort Anne in New York the 7th day of Nov^r, 1712.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Cap^t WALTER,
Coll HEATHCOTE,
M^r MOMPESSEON,

M^r BARBERIE,
M^r BYERLEY.

M^r Barberie reported from the Committee to whom was Committed the Bill Entituled, An Act for continuing the Excise and laying a Duty on Auctions and Vendues that they have gone through the Same and have made Some Amendments thereto w^{ch} were read and agreed to

Ordered, that the Said Bill be read a third time wth the Amendments

Then the Said Bill was read the third time and Agreed to with the Amendments.

Resolved, that the Said Bill with the amendm^{ts} do pass.

Ordered, that M^r Barberie do Carry the Said Bill with the Amendments to the Assembly and Acquaint them this Board do agree to the Same with Some Amendments to which they desire the Concurrence of that house

At a Council held at Fort Anne in New York, the 8th day of Nov^r, 1712.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll D'PEYSTER,
Cap^t WALTER,
M^r VAN DAM,

Coll HEATHCOTE,
M^r BYERLEY.

A Message from the Assembly that that House cannot agree to the Amendments made by this Board to the Bill Entituled, An Act for Continuing the Excise and laying a Duty on Auctions an Vendues.

Resolved, that this Board do adhere to their amendm^{ts} made to the said Bill.

Ordered, that M^r Byerley do acquaint the Assembly that this Board do desire a conference with that house on the subject matter of their amendments made to the said Bill at Harris's on Monday next at five of the clock in the afternoon.

The Bill entituled, An Act for support of Gouvernm^t being sent up by the Assembly to this Board for their Concurrence the said Bill was read the first time.

Then the Question was put Whether the Bill be read a second time?

It past in the Negative.

Then the Question was put Whether the said Bill be rejected?

It past in the affirmative.

Resolved, that the said Bill be rejected.

At a Council held at Fort Anne in New York, the 13th day of Nov^r, 1712.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll D'PEYSTER,
Doctor STAATS,
M^r MOMPESSEON,

M^r BARBERIE,
M^r BYERLEY.

M^r Byerley acquainted this Board that the Assembly was adjourned before he gott to their House with a Message to them from this Board to desire a Conference on the subject matter of y^e amendments made to the Bill Entituled, An Act for Continuing the Excise and laying a Duty on Auctions and Vendues.

Ordered, that M^r Byerley do acquaint the Assembly that this Board do desire a Conference with them on the subject matter of the said amendments at the House of M^r Harris at six a clock in the afternoon to morrow.

At a Council held at Fort Anne in New York, the 15th day of Nov^r, 1712.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll D'PEYSTER,
Doctor STAATS,
Cap^t WALTER,
M^r VAN DAM,
Coll HEATHCOTE,

M^r MOMPESSEON,
M^r BARBERIE,
M^r PHILLIPS,
M^r BYERLEY.

A Message from the Assembly that they cannot agree to a Conference with the Council on the subject matter of y^e amendments to a money Bill.

The Bill Entituled, An Act for Repealing part of a clause in An Act Entituled, An Act for the more effectual preservation of Deer and other Game and the distruction of Wolves, Wild Catts & other Vermine was read the first time and

Ordered, to be read a second time.

The said Bill was read a second time and Comitted to the Gentlemen of this Board or any five of them.

At a Council held at Fort Anne in New York, this 20th day of Nov^r, 1712.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll D'PEYSTER,
Doctor STAATS,
Cap^t WALTER,
Coll BECKMAN,
RIP VAN DAM,

Coll HEATHCOTE,
M^r MOMPESSEON,
M^r BARBERIE,
M^r BYERLEY.

The Bill entituled, An Act for rendring more effectual a certain clause in An Act of General Assembly passed in the Seventh year of her present Majestys reign Entituled, An Act for preventing the Conspiracy of Slaves and also for rendring more Effectuall one other Certain Clause in An Act of General Assembly passed in the year of our Lord One thousand seven hundred and one Entituled, An Act for allowance to the Representations (*sic*) was read the first time and

Ordered to be read a Second time.

At a Council held at Fort Anne in New York, the 27th day of Nov^r, 1712.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Doctor STAATS,
Cap^t WALTER,
M^r VAN DAM,

Coll HEATHCOTE,
M^r BYERLEY.

The Bill entituled, An Act for rendring more Effectuall a certain clause in An Act of General Assembly past in the Seventh year of her present Majesty's Reign Entituled, An Act for

preventing a Conspiracy of Slaves and also for rendring more Effectuall one other Certain Clause in An Act of General Assembly passed in the year of our Lord One thousand Seven hundred & nine (*sic*) entituled, An Act for allowance to the Representatives, was read the Second time and Comitted to the Gentl of this Board or any five of them.

At a Councill held at Fort Anne in New York, this 10th day of Dec^r, 1712.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll D'PEYSTER,
Doctor STAATS,
Cap^t WALTER,

Mr VAN DAM,
Mr PHILLIPS,
Mr BYERLEY.

His Excellency told the Councill that yesterday he had a Message from the Assembly Acquainting him with the Small number of their members now in Town and that they do not Expect an Addition, wherefore he thought it necessary to adjourn or prorogue them for some time.

Wherenpon it is the Opinion of this Board that they be prorogued to the 25th of March next.

Then the Governor sent to desire the Attendance of the Assembly who being present he gave his Assent to these foll: Bills, viz^t.

An Act for paying the respective dues in Arrear & to be collected

An Act for preventing Suppressing and punnishing the Conspiracy and Insurrection of Negroes and other Slaves.

An Act to Enable William Anderson to Sell a Lott of Ground in Queenstreet the Estate of the Said William in right of Deborah his wife deced for the payment of Debts contracted by his Said wife before their Intermarriage.

An Act for the Treasurers paying two hundred and fifty ounces of plate to his Excellency and that Coll Peter Schuylers receipt shall discharge the Tréar for one hundred pounds formerly allowed him.

An Act to appoint Commrs to Examine and State Several Claims alledged as Debts of the Government.

An Act to Enable Mary Bratt the Widdow of Johannes Bratt late of the County of Albany to Dispose of his Lands and Tenements for payment of his Debts and Educating his Children.

An Act that certain moneys levyed on the Inhabitants of Kings County remaining in the Hands of the Collectors be paid to the Tréar of that County.

An Act for the better repairing the Fortifications of the City of Albany and Town of Schenectody and providing their military watches with Firewood

An Act for making good the publick Credit given by An Act of General Assembly made in the first year of her Majesty's Reign for raising Eighteen hundred pounds for the uses therein mencōned and for discharging the remaining part of the money still due on the same advanced upon the Credit of the said Act with the Interest thereof.

An Act for Electing or appoynting four assessors in the Citty & County of Albany.

An Act for reviving An Act entituled, An Act for the better settling the Militia of this Province and making it more usefull for the security and Defence thereof and for repealing all former acts heretofore made in this province relating to the same.

Then his Excellency prorogued them to the 25th day of March next and went with the Councill and Assembly to publish the said Acts.

[IN EXECUTIVE SESSION.]

3^d March 17th 13.

His Excellency acquainted the Councill that the reason of their meeting at this time was to advise with them about the Assembly whether it be most expedient for her Majestyes service to dissolve the present Assembly and call a new Assembly or that the present Assembly do sett again

Whereupon it is the opinion of this Board that the present Assembly be DISSOLVED and accordingly it is

Ordered, that his Excellency Issue out his Proclamation for the DISSOLVING this present Assembly.

26 March 1713.

It is the opinion of this Board, and accordingly it is

Resolved that the Writts for the Election of the Assembly be returnable the twelfth day of May next.

FIFTEENTH ASSEMBLY FIRST SESSIONS.

At a Council held at Fort Anne in New York, the 27th day of May, 1713.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll D'PEYSTER,
Doctor STAATS,
Capⁿ WALTER,
M^r VAN DAM,
Coll HEATHCOTE,

M^r MOMPESON,
M^r BARBERIE,
M^r PHILLIPSE,
M^r BYERLEY.

The members of the Assembly in town being sent for took the usual oaths, after which his Excellency recommended to them to return to their House and Choose their Speaker.

The Assembly having made choice of W^m Nicol Esq^r for their Speaker, whom his Excellency approved of and then made the following Speech—

Gentlemen,

You are a new Assembly, and so not accountable for the wrong steps in the former or concerned in y^e vindication of them, so what I am about to say must not be otherways construed than as a caution to you, that you walk not in their ways, so displeasing to her Majesty & so Justly resented by her;

You are called together in order to settle a revenue for the support of her Majestyes Governm^t not to settle y^e Governm^t for that is already done by the only authority upon Earth, that has a right to do't, so to save your time and to spare your Trouble I shall now informe you of some things that it will be needless for you to endeavour or attempt, for this, among other good reasons, that they are not within my power to graunt of w^{ch} I shall be ready at any time to convince the most scrupulous amongst you when he shall desire it.

First, it will be vain for you to endeavour to Lodge y^e money destin'd for the Support of Governm^t in the hands of any other than the officers appointed by her Majesty for that very purpose by her Comission under the great Seal of England, for by the same rule and a [parity of Reason] you may assume to your selves a power of Nominating a person or persons for Executing the Office of Gov^r Nevertheless if you are so resolved you may putt the Countrey to y^e Expence of a Treasurer for the Custody of money raised for Extraordinary uses

In the next place it will be fruitless to attempt to divert the Course of publick paym^{ts} or to put them into any other Channel then that prescribed by her Majesty's Letters Patent and Instructions w^{ch} is a warr^t under the Hand of the Govern^r by and wth the advice and consent of her Majestyes Council. That Attempt will appear to all thinking men the more unreasonable after the ample security w^{ch} I offered to the last Assembly against the misapplications w^{ch} offer I now renew to you as it stands in the Journalls of your House & to them I referr you.

Lastly, her Majesty being the sole and undoubted Judge of the Services & rewards of her Servants in this Govern^t it will be as vain as it will be disrespectfull for you by making y^r selves the Judges to endeavour to take that right from her.

Having told you what I cannot do, I shall now Acquaint with what I will readily and willingly do. I shall give my assent to all such Laws as shall be presented to me for the Care Quiet or advantage of this Colony in General or any of her Majesty's good Subjects in it in particular, providing they do not clash with her Majestyes Rights, prerogative or Instructions, and that they accompany the Bill for Support of her Majestyes Govern^t for without that it will be but time mispent to prepare any Except such as are of imédiate and absolute necessity, for I am firmly resolved to reserve these favours for that Assembly, that shall first make that Dutifull & gratefull return to her Majesty for her royal Care & her so often repeated Acts of grace & bounty w^{ch} she most assuredly Expects from you

And now Gentlemen in order to prevent a world of Trouble & needless debate I shall take leave to propose one Leading Question to you—Are you resolved to submitt to such rules of Government as are prescribed in her Majestyes Letters patent & Instructions.

For preventing of groundless disputes & misunderstandings between you and her Majestyes Council give me leave to advise a remedy w^{ch} is practiced with success in other provinces that is, That you would be pleased to meet with them as frequently as conveniently may be to consult & mutually advise what may be Judged necessary in framing of all Bills, which will prevent the necessity of amendments and consequently all disputes relating to the right of making them.

Thus having acquainted you with what things I cannot do, & what I am willing to do, I shall not doubt but that you will readily do what is Incumbent upon you Especially considering the danger of Delays of which you may be well Convinced by the Letters of the Lords Commrs of Trade & plantations to me by their order communicated to y^e last Assembly incerted in their Journalls & to w^{ch} I referr you, You have still a fair opportunity to avert the consequences w^{ch} threaten you, I hope you will lay hold of it. As for my own part having done my duty & nothing without the bounds of my duty I wash my hands of them & leave them at the door of those who with both their hands have drawn them down; when you have under your consideration (as it is Impossible you should not), the crying Debts of the Governm^t I must Earnestly recomend to you y^t to y^e Lady Lovelace w^{ch} by her Majestyes Letter to me w^{ch} you also have in your Journals you will find she has very much at heart.

After which the Speaker desired his Excellency that they may Enjoy their usuall priviledges.

At a Councill held at Fort Anne in New York, this 2^d day of June, 1713.

PRESENT— His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll D'PEYSTER,
Doctor STAATS,
Cap^t WALTER,

Mr VAN DAM,
Mr BARBERIE,
Mr BYERLEY.

Ordered, That the Attorney General prepare and lay before this Board a Bill for Continuing the Militia Act for one year.

At a Councill held at Fort Anne in New York, this 4th day of June, 1713.

PRESENT— His Excellency ROBERT HUNTER, Esq^r, &c.,

Doctor STAATS,
Cap^t WALTER,
Mr VAN DAM,

Mr BEEKMAN,
Mr BYERLEY.

The Bill entituled, An Act for reviving and continuing An Act entituled, An Act for the better Settling the Militia of this province & making it more usefull for the Security and Defence thereof was read the first time and

Ordered to be read a Second time.

Then the said Bill was read a Second time & comitted to y^e Gentlemen of this Board or any five of them.

At a Councill held at Fort Anne in New York, the 10th day of June, 1713.

PRESENT— His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll D'PEYSTER,
Doctor STAATS,
Mr MOMPESON,

Mr BARBERIE,
Mr BYERLEY.

His Excellency communicated to this Board a Petition presented to him by the late Grand Jury of this City and County against Vendues and Pedlars.

Ordered, that the S^cery lay y^e same before the Assembly & recōmend to them to this (sic) Board the consideration thereof.

His Excellency communicated to this Board a Letter from Lieu^t Huddy from the Mohocks Country of the 1st Instant complaining against the Selling Rum to the Indians. Whereupon it is

Ordered, that the S^cery lay the said Letter before the Assembly and recōmend it to them from this Board to pass a Bill to prevent the Selling or giving Rum or other strong liquors to the Indians.

Mr Mompesson reported from the Cōmee to whom was committed the Bill entituled, An Act for reviving and continuing An Act Entituled, An Act for the better Settling the Militia of this province and making it more usefull for the Security and Defence thereof, that they have gone through the same with some amendm^{ts} which were read and agreed to.

Ordered, that the Bill with the amendments be Engrossed.

At a Council held at Fort Anne in New York, this 11th day of June, 1713.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll D'PEYSTER,
Doctor STAATS,
Cap^t WALTER,
Coll BECKMAN,

Col HEATHCOTE,
M^r MOMPESSEON,
M^r BARBERIE,
M^r BYERLEY.

The Engrossed Bill entituled, An Act for reviving and Continuing An Act for the better settling of the Militia of this province & making it more usefull for the security and Defence thereof & for repealing all former acts heretofore made in this province relating to the same, was read.

Resolved, that the Bill do pass.

Ordered, that M^r Mompesson do carry the Bill to the Assembly and desire their Concurrence thereto.

At a Council held at Fort Anne in New York, this 15th day of June, 1713.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll SCHUYLER,
Coll D'PEYSTER,
Doctor STAATS,
Captain WALTER,

M^r VAN DAM,
Col HEATHCOTE,
M^r PHILLIPSE,
M^r BYERLEY.

His Excellency communicated to this Board a Letter from the Comm^{rs} of the Indian Affairs of the 3^d Instant as also the propositions of two Sinike Sachims & D Canasora an Onondage Sachim whereby it is plain that the Tuscarora Indians who are in Warr with her Majestyes Subjects in Carolina are coming to settle with the five Nations. That the five Nations are in actuall war with the flatheads who are in alliance with her Majestyes subjects of Virginia and Carolina and assisted the people of Carolina in their warr against the Tuscororas

It is the opinion of this Board that a Letter be writt to the Comm^{rs} of the Indian affairs at Albany directing them to acquaint the five Nations that the Tuscororas having entred into a Bloody and Barbarous Warr against her Majestyes Subjects in Carolina without any provocation given them, that they do not upon any pretence whatsoever receive any of the Tuscororas amongst them nor permitt them to settle with them nor to give them any countenance or assistance untill such time as they have made a peace with her Majesty's Subjects

And that they do not permitt any of their people to Comitt any Hostilitys against the flatheads who are not only in peace wth her Majestyes Subjects but are likewise actually assisting to them in their warr with the Tuscaroras. It is

Ordered, that the said Letter and propositions as likewise the Resolution of this Board thereupon be laid before the Assembly together with the Letters from the Govern^{rs} of Virginia and Carolina

And that this Board does likewise recomend to the Assembly y^e Consideration of the ill consequences that may attend this Government in case the Indians should fall upon us, and no fund or vote of Credit for the payment of any Forces for our own Defence.

At a Council held at Fort Anne in New York, this 17th day of June, 1713.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Col SCHUYLER,
Col D'PEYSTER,
Doctor STAATS,
Cap^t WALTERS,

M^r MOMPESSEON,
M^r BARBERIE,
M^r PHILLIPSE,
M^r BYERLEY.

A Message from the Assembly that they have agreed to y^e Bill entituled, An Act for reviving & Continuing An Act entituled, An Act for the better Settling of the Militia of this province and making it more useful for the Security and Defence thereof & for repealing all former Acts heretofore made in this province relating to the Same, without any amendm^t

A Message from the Assembly that they have past a Bill entituled, An Act for mending and keeping in repair the Post road from New York to Kings Bridge to which they desire the Concurrence of this Board.

Ordered, that the Said Bill be read the first time

Then the Said Bill was read the first time and

Ordered to be read a Second time

Ordered, That the Attorney General do prepare a Bill to prevent the Selling or giving Rum or other Strong liquors to the Indians.

At a Council held at Fort Anne in New York, the 18th June, 1713.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Col SCHUYLER,
Col D'PEYSTER,
Doctor STAATS,

Mr VAN DAM,
Mr BYERLEY.

The Bill entituled, An Act for mending and keeping in repair y^e Post Road from New York to Kings Bridge was read a Second time and Comitted to the Gentlemen of this Board or any five of them.

The Bill entituled, An Act to prevent the Selling or giving of Rum and other Strong liquors to the Indians read the first time &

Ordered to be read a Second time

The Bill entituled, An Act to prevent the Selling or giving Rum and other Strong liquors to the Indians was according to order read a Second time & Comitted to the Gentlemen of this Board or any five of them.

At a Council held at Fort Anne in New York, his 19th June, 1713.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Col SCHUYLER,
Doctor STAATS,
Cap^t WALTER,
Col HEATHCOTE,

Mr BARBERIE,
Mr PHILLIPSE,
Mr BYERLEY.

His Excellency Communicated to this Board a Letter from Lawrence Chasse of the 18th Instant to the Comm^{rs} of the Indian Affairs, a Letter from the Said Comm^{rs} to his Excellency of the 11th Instant importing that the five Nations have returned the Belt of Wampum given them not to enter into Warr with the flatheads and desiring Some of the principal men of Albany may be sent to Onnondage with presents to hinder their entring into that warr.

Ordered, that the Secy lay the Said Letters before the Assembly & Acquaint them that this Board think it absolutely necessary that Some Gentlemen of the best Note be sent from Albany to Onnondage to prevent the five Nations from joining the Tuscaroras & with them entring into a Warr with the flat Heads the friends & allies of her Majestyes Subjects in Carolina & Virginia & that it will be highly necessary that those Gentlemen carry such presents with them as may be effectual to divert their present intentions and that those Gentl be likewise paid for their Journey, and that this Board does recomend to the Assembly to pass a resolve for defraying those Expenses out of the Colony's money in the Treasars hands.

At a Council held at Fort Anne in New York, this 20th day of June, 1713.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Col SCHUYLER,
Doctor STAATS,
Mr BARBERIE,

Mr PHILLIPSE,
Mr BYERLEY.

Mr Byerley reported from the Committee to whom was Comitted the Bill Entituled, An Act for mending & keeping in repair the Post road from New York to Kings Bridge that they have gone through the same with some Amendments which were read and agreed to by the Board and the following Amendm^{ts} were likewise made, fo: 2 after the word [least] ending the ninth line insert these words [provided always & it is the true Intent & meaning of this Act that all and every person and persons oblidged by this Act to work in repairing any of the roads aforesaid may send a sull^t Negro or Negros to work in his or their stead any thing herein to the contrary notwithstanding

Ordered, that the Bill with the Amendments be read a third time.

Then the said Bill was read a third time and past wth the amendments

Ordered, that M^r Byerley do carry the said Bill wth the Amendments to the Assembly and Acquaint them that this Board does agree to the same with some amendm^{ts} to which they desire the concurrence of that House

The Bill Entituled, An Act for reviving that part of An Act for prohibiting the distilling of Rum & burning of Oysters, Oystershells or Stone into Lyme within the City of New York or within half a mile distance of the City Hall of the said City relating to the burning of Oysters, Oystershells or Stone into Lyme ;

An Act entituled, An Act for the preservation of Deer and one Act entituled,

An Act to prevent Damages by Swine in the County of West Chester, Queens County and the County of Richmond

Was read the first time and ordered to be read a Second time.

The Bill entituled, An Act for repealing part of a clause in An Act entituled, An Act for the more effectual preservation of Deer and other Game and the Distruction of Wolves, wild Catts & other vermine was read the first time and

Ordered to be read a Second time.

The Engrossed Bill Entituled, An Act to prevent y^e selling and giving of Rum and other Strong liquors to the Indians was read a third time and past.

Ordered, that M^r Byerley do carry the said Bill to the Assembly and desire their Concurrence thereto

At a Council held at Fort Anne in New York, the 23^d June, 1713.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Col SCHUYLER,
Col D'PEYSTER,
Doctor STAATS,

Cap^t WALTER,
M^r BYERLEY.

The Bill Entituled, An Act for the County of Ulster to pay the arrears due to their Representatives & for Dutchess County to Elect a Supervisor, a Treasurer, Assessors and Collectors read the first time and

Ordered to be read a Second time.

M^r Barberie took his place at the Board.

M^r Phillipse took his place at the Board.

The Bill Entituled, An Act for the County of Ulster to pay y^e Arrears due to their Representatives and for Dutchess County to Elect a Supervisor, a Treasurer, Assessors & Collectors, read a Second time & Committed to the Gentl of this Board or any five of them.

The Bill entituled, An Act for reviving that part of An Act entituled, An Act for prohibiting the distilling of Rum & burning Oysters, Oystershells & Stone into Lyme within the City of New York or within half a mile distance of the City Hall of the said City relating to the Burning of Oysters, Oystershells or Stone into Lyme ;

An Act entituled, An Act for the preservation of Deer, and one Act entituled,

An Act to prevent damages by Swine in the County of West Chester, Queens County & the County of Richmond

Read a Second time & Comitted to y^e Gentlemen of this Board or any five of them.

The Bill Entituled, An Act for repealing part of a clause in An Act entituled, An Act for the more Effectual preservation of Deer & other Game and the Destruction of Wolves, Wild Catts & other Vermine, read a Second time and Comitted to the Gentlemen of this Board or any five of them.

At a Council held at Fort Anne in New York, the 25th of June, 1713.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll D'PEYSTER,
Capt WALTER,
Coll BEEKMAN,
Coll HEATHCOTE,

M^r VAN DAM,
M^r MOMPESON,
M^r PHILLIPSE,
M^r BYERLEY.

A Message from the Assembly that they Agree to the last Amendment made by this Board to the Bill entituled, An Act for mending and keeping in repair the Post Road from New York to Kings Bridge and disagree to the first and Second Amendments.

Resolved, that this Board do adhere to their Amendm^{ts} made to the Said Bill.

Ordered, that the Gentlemen of this Board or any five of them be a Committee to draw up reasons for the Councils insisting on their Said Amendments.

The Bill Entituled, An Act to impower Frederick Phillipse a Minor to remove Kings Bridge to a more Comodious place & for Confirming the Toll thereof was read the first time &

Ordered to be read a Second time.

M^r Mompesson for M^r Barberie reported from the Comtee to whom was Comitted the Bill entituled, An Act for repealing part of a clause in An Act entituled, An Act for the more Effectual preservation of Deer and other Game and the distruction of Wolves, Wild Catts & other Vermin, that they have gone through the Same without Amendm^t

Ordered, y^t the Said Bill be read a third time

Then the Said Bill was read the third time and past w^{thout} Any Amendment.

Ordered, that M^r Mompesson do acquaint the Assembly that this Board do agree to the Said Bill without any Amendment.

At a Council held at Fort Anne in New York, the 27th June, 1713.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Col D'PEYSTER,
M^r VAN DAM,
M^r MOMPESSEON,

M^r PHILLIPSE,
M^r BYERLEY.

The Bill entituled, An Act for a Supply to be granted to her Majesty for Supporting the Government was read the first time &

Ordered to be read a second time.

Then the Said Bill was read the Second time and Comitted to the Gentlemen of this Board or any five of them

The Bill entituled, An Act for the further laying out, regulating and better clearing publick High Ways throughout this Colony was read the first time and

Ordered to be read a Second time

The Bill entituled, An Act for laying a Duty on the Tonnage of Vessells and on Slaves was read the first time &

Ordered to be read a Second time.

Then the Said Bill was read the Second time an Committed to the Gentlemen of this Board or any five of them.

The Bill entituled, An Act to impower Frederick Phillipse a Minor to remove Kings Bridge to a more Comodious place & for Confirming the Toll thereof, Read a 2^d time & Comitted to y^e Gentlemen of this Board or any five of them.

At a Council held at Fort Anne in New York, this 29th June, 1713.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll D'PEYSTER,
Cap^t WALTER,
Coll BECKMAN,
M^r MOMPESSEON,

M^r BARBERIE,
M^r PHILLIPSE,
M^r BYERLEY.

The Bill entituled, An Act for the further laying out regulating and better Clearing publick High Ways throughout this Colony was read the Second time and Comitted to the Gentl of this Board or any five of them.

The Consideration of the Amendments made by the Assembly to the Bill Entituled, An Act to prevent the Selling & giving of Rum and other Strong liquors to the Indians is referred to the Gentl of this Board or any five of them who are to report their opinion thereof to this Board.

At a Council held at Fort Anne in New York, the 30th day of June, 1713.

PRESENT—

His Excellency ROBERT HUNTER, Esq^r, &c.,

Col D'PEYSTER,
Col BECKMAN,
M^r VAN DAM,

M^r MOMPESON,
M^r BYERLEY.

The Bill Entituled, An Act for the discharging of Killian van Renslaer, Derick Wessells, Meyndert Schuyler, Peter van Brugh & Hendrick Hansen of the City of Albany in the County (sic) of New York of and from all Debts, dues & Demands whatsoever for and Concerning the provision, amunition & other Stores of Warr formerly in their hands belonging to this Colony, was read y^e first time and

Ordered to be read a Second time.

At a Council held at Fort Anne in New York, this 1st day of July, 1713.

PRESENT—

His Excellency ROBERT HUNTER, Esq^r, &c.,

Col D'PEYSTER,
Col HEATHCOTE,
M^r MOMPESON,

M^r BARBERIE,
M^r PHILLIPSE,
M^r BYERLEY.

Col Heathcote for Cap^t Walter reported from the Committee to whom was Comitted the Bill entituled, An Act for a Supply to be granted to her Majesty for Supporting the Government, that they have gone through the Same without any Amendm^t

Ordered, that the said Bill be read a third time.

Then the said bill was read a Third time and past.

Ordered, that Col Heathcote do acquaint the Assembly that this Board does agree to the said Bill without any amendm^t

M^r Byerley reported from the Committee to whom was Comitted the Bill entituled, An Act to impower Frederick Phillipse a minor to remove Kings Bridge to a more Comodious place & for Confirming the Toll thereof, that they have gone through the same and made two amendm^{ts} thereto which were read and agreed to by the Board.

Ordered, that the said Bill be read a third time with the Amendments.

Then the said Bill with the Amendments was read y^e third time and past.

Ordered, that M^r Byerley do carry the said Bill to the Assembly and Acquaint them that this Board does agree to the same wth some Amendments to which they desire the concurrence of that House.

The Bill entituled, An Act for Discharging of Killian Van Renslaer, Derick Wessells, Meyndert Schuyler, Peter Van Brugh, & Hendrick Hansen of the City of Albany in the Colony of New York of & from all Debts, Dues and Demands whatsoever for and Concerning the provision, Amunition and other Stores of Warr, formerly in their Hands belonging to this Colony was read the Second time and Comitted to the Gentlemen of this Board or any five of them.

A Message from the Assembly that they have past a Bill entituled, An Act for Appointing An Agency for New York at Great Britain to which they have desired the Concurrence of this Board

Ordered, that the said Bill be read the first time

Then the said Bill was read the first time &

Ordered to be read a Second time.

A Message from the Assembly that they have past a Bill entituled, An Act for naturalizing all foreign Protestants living in the Colony of New York to which they desire the Concurrence of this Board

Ordered, that the said Bill be read the first time.

Then the said Bill was read the first time and

Ordered to be read a Second time.

A Message from the Assembly that they have past a Bill entituled, An Act for the Tréars paying the Sum of one hundred & twenty five ounces of plate unto Peter Van Brugh and Hendrick Hansen Esq^{rs} late Comm^{rs} at Albany to which they desire the Concurrence of this Board.

Ordered, That the said Bill be read the first time.

Then the said Bill was read the first time and

Ordered to be read the Second time.

M^r Mompesson withdrew.

A Message from the Assembly that they have past a Bill entituled, An Act for the Tréars paying the money therein mentioned to w^{ch} they desire the Concurrence of this Board,

Ordered, that the said Bill be read the first time.

Then the said Bill was read the first time and

Ordered to be read the Second time.

At a Council held at ffort Anne in New York, the 1st day of July, 1713,

At six a clock in the Afternoon.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Col D'PEYSTER,

Cap^t WALTER,

Col HEATHCOTE,

M^r MOMPESON,

M^r BARBERIE,

M^r PHILLIPSE,

M^r BYERLEY.

A Message from the Assembly that they have agreed to y^e amendments made by the Council to the Bill entituled, An Act to impower Frederick Phillipse a minor to remove Kings Bridge to a more Comodious place & for Confirming the Toll thereof.

His Excellency sent the Scery to require the attendance of y^e Assembly and they being come his Excellency gave his assent to y^e foll. Bills, Enacting the same and ordering them to be enrolled, viz^t.

An Act for a Supply to be granted to her Majesty for supporting y^e Government.

An Act for reviving and continuing An Act Entituled, An Act for the better settling of the Militia of this province & making it more useful for the security & Defence thereof and for repealing all former Acts heretofore made in this province relating to the same.

An Act for repealing part of a clause in An Act entituled, An Act for y^e more Effectual preservation of Deer and other Game & the destruction of Wolves, Wild Catts and other Vermin

An Act to impower Frederick Phillipse a minor to remove Kings Bridge to a more Comodious place & for confirming the Toll thereof

At a Council held at Fort Anne in New York, the 2^d July, 1713.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Cap^t WALTER,

Col BEEKMAN,

M^r VAN DAM;

M^r MOMPESON,

M^r BARBERIE,

M^r PHILLIPSE,

M^r BYERLEY.

The Bill Entituled, An Act for Naturalizing all foreign Protestants living in the Colony of New York was read the second time and comitted to the Gentlemen of this Board or any five of them.

The Bill entituled, An Act for the Treâr's paying the sùme of one hundred and twenty five ounces of plate unto Peter Van Brugh & Hendrick Haussen Esq^{rs} late Comm^{rs} at Albany was read y^e second time & comitted to the Gentlemen of this Board or any five of 'em

The Bill entituled, An Act for appointing an Agency for New York at Great Britain was read the second time and comitted to the Gentlemen of this Board or any five of them

At a Council held at Fort Anne in New York, this 4th July, 1713.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Col D'PEYSTER,

Cap^t WALTER,

Col HEATHCOTE,

M^r MOMPESON,

M^r PHILLIPSE,

M^r BYERLEY.

The Bill entituled, An Act for the Treârs paying sundry sùms of money to the several persons hereafter named was read the first time and

Ordered, to be read a second time.

The Bill entituled, An Act for the Establishing Courts of Judicature for the Ease and Benefit of each City, town & County within this province was read the first time and

Ordered to be read a second time.

The Bill entituled, An Act for laying a duty on goods sold by Auction, Vendue or Outcry was read the first time &

Ordered to be read a second time.

Cap^t Walter reported from the Committee to whom was Comitted the Bill entituled, An Act for the Treasars paying the Sum of one hundred & twenty five ounces of plate unto Peter Van Brugh & Hendrick Hansen Esq^s late Comm^{rs} at Albany, that they have gone through the same without any Amendm^t

Ordered, that the said Bill be read the third time

Then the said bill was read the third time and past wthout amendm^t

Ordered, that Cap^t Walter do Acquaint the Assembly that this Board does agree to the said Bill without any Amendment.

Mr Phillipse reported from the Committee to whom was Comitted y^e Bill entituled, An Act for Naturalizing all Foreign Protestants living in the Colony of New York, that they have gone through the same wthout any Amedment.

Ordered, that the said Bill be read the third time

Then the said Bill was read the third time & past wthout Amendm^t.

Ordered, that Mr Phillipse do Acquaint the Assembly that this Board do agree to the said Bill without any Amendm^t

Col Heathcote reported from the Committee to whom was Comitted the Bill entituled, An Act for reviving that part of An Act entituled, An Act for prohibiting the distilling of Rum & Burning of Oysters, Oystershells or Stone into Lyme within the City of New York or within half a mile distance of the City Hall of the said City relating to the Burning of Oysters, Oystershells or Stone into Lyme;

An Act entituled, An Act for the preservation of Deer and one Act entituled, An Act to prevent Damages by Swine in the County of West Chester, Queens County & the County of Richmond, that they have gone through the same & made some Amendm^{ts} thereto w^{ch} were read and agreed to by the Board

Ordered, that the said Bill with the Amendments be read the third time.

Then the said Bill was read the third time wth y^e Amendm^{ts} and past.

Ordered, that Col Heathcote do carry the said Bill to y^e Assembly and Acquaint them that this Board does agree to the same wth some Amendm^{ts} to which they desire the Concurrence of that House.

Mr Byerley reported from the Committee to whom was Comitted the Bill entituled, An Act for the County of Ulster to pay the Arrears due to their Representatives and for Dutchess County to Elect a Su^prviser, a Treasurer, Assessors & Collectors that they have gone through the same & made some Amendments thereto which were read & agreed to.

Ordered, that the said Bill with the Amendments be read the third time

Then the said Bill with the Amendm^{ts} was read the third time & past.

Ordered, that Mr Byerley do carry the said Bill to the Assembly & acquaint them that this Board do agree to the same with some Amendments to which they desire the Concurrence of that House.

Coll Heathcote reported from the Committee to whom was Comitted the Bill entituled, An Act for the further laying out, regulating & better clearing publick High Ways throughout this Colony that they have gone through the same & made some Amendments thereto w^{ch} were read & agreed to by the Board.

Ordered, that the said Bill with the Amendm^{ts} be read y^e third time

Then the said Bill was read the third time with the Amendments and past.

Ordered, That Coll Heathcote do carry the said Bill to the Assembly and acquaint them that this Board do agree to y^e same with some amendments to which they desire the Concurrence of that House.

The Com^{ee} having prepared reasons for their insisting on y^e two first amendments made by them to the Bill Entituled, An Act for mending and keeping in repair the Post road from New York to Kings Bridge, the same were read and agreed to.

Ordered, that Mr Byerley do acquaint the Assembly that this Board desires a Conference with that House on the subject m^{re} of the two first amendments made by them to the Bill entituled, An Act for mending & keeping in repair the Post road from New York to Kings Bridge on Munday next at seven a Clock in y^e Evening at the House of Bernardus Hardenbrook

And that the Gentlemen of this Board or any five of them be a Committee for that purpose.

This Board having Considered the Amendm^{ts} made by the Assembly to the Bill entituled, An Act to prevent the selling and giving of Rum & other strong liquors to the Indians agree to their first amendm^t with this other amendment to be made thereto viz^t page 1st Lin 14 Leave out these words [or upon the water]

This Board does likewise agree to all the other amendments made by the Assembly to the said Bill with this amendm^t likewise to their last amendment viz^t That between the word

[Debarr] and the word [the] in the said last amendments, these words be incerted [his Excell^y or]

M^r Mompesson withdrew

The Bill entituled, An Act for the Treasurers paying the money therein mentioned was read the second time & Comitted to the Gentl of this Board or any five of them.

M^r Mompesson took his place

The Bill entituled, An Act for continuing An Act entituled, An Act for laying an Excise on all strong liquors retailed in this Colony was read the first time &

Ordered to be read the second time

The Bill Entituled, An Act for the Trears paying the arrears due to the Clerk & Doorkeepers to the General Assembly of this Colony & paying the Printers salary was read the first time and

Ordered to be read the second time.

At a Councill held at Fort Anne in New York, the 6th day of July, 1713.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Col D'PEYSTER,
Col BEEKMAN,
M^r VAN DAM,
M^r MOMPESSEON,

M^r BARBERIE,
M^r PHILLIPSE,
M^r BYERLEY.

The Bill entituled, An Act for continuing An Act entituled, An Act for laying an Excise on all Strong liquors retailed in this Colony was read the second time and Comitted to the Gentl of this Board or any five of them.

The Bill Entituled, An Act for the Treasurers paying y^e arrears due to the Clerk & Doorkeepers to the General Assembly of this Colony & paying the Printers salary was read the second time & Comitted to the Gentlemen of this Board or any five of them

The Bill Entituled, An Act for the Trears paying sundry sums of money to the several persons hereafter named was read the second time and Comitted to the Gentlemen of this Board or any five of 'em

The Bill Entituled, An Act for Establishing Courts of Judicature for the ease and benefitt of each City, town & County within this Colony was read the second time & Comitted to the Gentl of this Board or any five of them

The Bill entituled, An Act for laying An Excise on all Strong liquors retailed in this Colony sent from the Assembly to the Councill for their Concurrence was read the first time &

Ordered to be read a Second time

Then the Said Bill was read the Second time & Comitted to the Gentlemen of this Board or any five of them

At a Councill held at Fort Anne in New York, this 17th day of July, 1713.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll D'PEYSTER,
Doctor STAATS,
Cap^t WALTER,
Coll BEEKMAN,

M^r VAN DAM,
M^r BARBERIE,
M^r PHILLIPSE,
M^r BYERLEY.

Coll D'Peyster reported from the Committee to whom was Comitted the Bill Entituled, An Act for laying a Duty on the Tonnage of Vessells & on Slaves, that they have gone through y^e Same without Any Amendment.

Ordered, that the Said Bill be read y^e third time

Then the Said Bill was read the third time & past without any Amendment.

Ordered, that Col D'Peyster acquaint the Assembly that this Board does agree to the Said Bill without Any Amendment

Coll Beekman reported from the Committee to whom was Comitted the Bill entituled, An Act for laying a Duty on Goods Sold by Auction, Vendue or Outery, that they have gone through the Same without any Amendment.

Ordered, that the Said Bill be read y^e third time

Then the Said Bill was read the third time & past without Amendment.

Ordered, that Col Beekman Acquaint the Assembly That this Board does agree to the Same without Any Amendment

Cap^t Walter reported from the Committee to whom was Comitted the Bill Entitled, An Act for Continuing An Act Entitled, An Act for laying an Excise on all Strong liquors retailed in this Colony, that they have gone through the Same without any Amendm^t

Ordered, that the Said Bill be read y^e third time

Then the Said Bill was read third time & past w^hout any Amendment.

Ordered, that Cap^t Walter do acquaint the Assembly that this Board does agree to the Said Bill without any Amendm^t

Mr Phillipse for Coll Heathcote reported from the Committee to whom was Comitted the Bill Entitled, An Act for laying an Excise on all Strong liquors retailed in this Colony, that they have gone through the Same without Any Amendm^t

Ordered, that the Said the third time. (*sic*)

Then the Said Bill was read the third time and past without amendment.

Ordered, that Mr Phillipse do acquaint the Assembly that this Board do agree to the Said Bill without Any Amendment.

Mr Barberie for Mr Mompesson reported from the Committee to whom was Comitted the Bill entitled, An Act for the Tréars paying Sundry Sums of money to the Several persons hereafter named that they have gone through the Same without any Amendm^t.

Ordered, that the Said Bill be read the third time & past without amendment.

Ordered, that Mr Barberie do Acquaint the Assembly, that this Board do agree to the Said Bill without any Amendment.

Mr Van Dam for Coll Heathcote reported from the Cōmee to whom was Comitted the Bill entitled, An Act for the Tréars paying the money therein mencōned, that they have gone through the same without any Amendm^t.

Ordered, that the said Bill be read y^e third time

Then the said Bill was read the third time & past without any Amendment.

Ordered, that Mr Van Dam do Acquaint y^e Assembly that this Board does agree to the said Bill without any Amendm^ts

Mr Byerley reported from the Committee to whom was Comitted the Bill entitled, An Act for the Tréars paying the Arrears due to the Clerk and Doorkeepers to the General Assembly of this Colony & paying the Printers Salary, that they have gone through y^e same without any Amendment.

Ordered, that the said Bill be read the third time.

Then the said Bill was read the third time & past without Amendment.

Ordered, that Mr Byerley do Acquaint the Assembly that this Board does agree to the said Bill without any Amendment.

The Consideration of the Clerks Salary charged in Mr Byerleys acco^ts of Quitt rents is refer^d to the Gentlemen of this Board or any five of them.

The Bill entitled, An Act to oblige the County of Ulster to Satisfye what that County is in Arrear to Coll Jacob Rutsen and Adrian Garretsen Esqrs, was read the first time &

Ordered to be read a Second time

FIFTEENTH ASSEMBLY SECOND SESSIONS.

At a Councill held at Fort Anne in New York, this 15th day of Oct^r, 1713.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Col D'PEYSTER,
Doctor STAATS,
Cap^t WALTER,

Mr MOMPESON,
Mr BYERLEY.

The order of the Assembly of the Sixth of July last by Mr Mayor of Albany with the Bill entitled, An Act for the further laying out, regulating and better clearing publick Highways throughout this Colony, acquainting this Board that they do agree to the four first Amendm^ts made by this Board to the said Bill and disagree to the said Last Amendments being read,

This Board having reconsidered the said two last Amendm^ts made by them to the said Bill,

Resolved, that this Board do adhere to the said two last Amendments made by this Board to y^e s^d Bill

Ordered, that the Gentlemen of this Board or any five of them be a Committee to draw up

reasons for the Councils adhering to the said two last Amendments made by this Board to the said Bill and that Mr Mompesson be of the said Comtee.

Coll Heathcote and Mr Phillipse took their places at the Board.

Coll Beekman took his place.

The Bill Entituled, An Act to oblige the County of Ulster to Satisfy what that County is in arrear to Coll Jacob Rutsen and Adrian Garretse Esq^{rs}, was read the Second time and Committed to the Gentlemen of this Board or any five of them

A Message from the Assembly of the Sixth of July last by Coll Rutsen with the Bill entituled, An Act for the County of Ulster to pay the arrears due to their Representatives and for Dutchess County to Elect a Supervisor, a Trear, Assessors and Collectors, that they Agree to the Amendments made by this Board to the said Bill.

His Excellency having Sent the Deputy Secretary to the Assembly to Command their Attendance in the Council Chamber and they being Come, his Excellency gave his Assent to the following Bill enacting the Same and ordered it to be enrolled, viz^t.

An Act for laying An Excise on all Strong liquors retailed in this Colony

And then his Excellency made the following Speech to them and afterwards went with the Assembly to publish the Said Act.

Gentlemen.

Your own Desire of a Short recess gave so abrupt a period to your last Session that Several Bills then prepared by you Con'd not be so finished by the Council as to receive my assent, but the Bill for appropriating the Excise towards the payment of the publick Debts being perfected I take this opportunity, at your first meeting, to pass it; that you may have one to do Justice to the Countrey who have long suffered under the want of what was Justly due, So I most Earnestly recomend to you, the preparing a Bill or Bills for that purpose which cannot take up much of your time, the Comm^{rs} Nominated by your Selves for that purpose having digested and putt into an easy method all such Debts whereby you are enabled to Consider and Ascertain them.

At a Council held at Fort Anne in New York, the 21st day of October, 1713.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll D'PEYSTER,
Doctor STAATS,
Coll HEATHCOTE,

Mr MOMPESSEON,
Mr BARBERIE,
Mr BYERLEY.

A Message from the Assembly that they disagree to the Amendments made by this Board to the Bill entituled, An Act for reviving that part of An Act entituled, An Act for prohibiting the Distilling of Rum & Burning of Oysters, Oystershells or Stone into Lyme within the City of New York or within halfe a mile distance of the City Hall of the Said City relating to the Burning of Oysters, Oystershells or Stone into Lyme: An Act entituled, An Act for the preservation of Deer and one Act entituled, An Act to prevent Damages by Swine in the County of West Chester, Queens County and the County of Richmond,

Resolved, that this Board do adhere to their Amendm^{ts} to the Said Bill.

Ordered, that the Gentlemen of this Board or any five of them be a Committee to draw up reasons for their adhering to their Amendments.

Mr Byerley reported from the Committee to whom was Comitted the Bill entituled, An Act to oblige the County of Ulster to Satisfy what that County is in Arrear to Col Jacob Rutsen and Adrian Garretse Esq^{rs}, that they have gone through y^e Same without Any Amendment.

Ordered, that the Said Bill be read the third time

Then the Said Bill was read the Third time and past without Amendment.

Ordered, that Mr Byerley do Acquaint the Assembly that this Board do agree to the Said Bill without Any Amendm^t

The Reasons prepared by the Committee for the Councils insisting on the two last Amendments made by this Board to the Bill entituled, An Act for the further laying, regulating & better clearing publick Highways throughout this Colony were read and approved.

Ordered, that Coll Heathcote do acquaint the Assembly that this Board desires a Conference on the Subject matter of the Said Amendments at the House of Johannes Hardenbrook this Afternoon at 6 a Clock.

Ordered, that Coll Heathcote do acquaint y^e Assembly that this Board desires a Conference on the subject m^{re} of the amendments made by them to the Bill entituled, An Act for mending and keeping in repair the Post road from New York to Kungsbridge, at the House of Johannes Hardenbrook this afternoon at six a Clock.

Ordered, that Coll Heathcote do acquaint the Assembly that this Board doe agree to the amendments made by the Assembly to the Bill Entituled, An Act to prevent selling & giving

of Rum and other strong liquors to the Indians, with some other amendments made by this Board to y^e said amendments of Assembly, to which they desire the Concurrence of that House.

*At a Councill held at Fort Anne in New York, the 22^d day of October, 1713,
At three of the Clock in the Afternoon.*

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Col D'PEYSTER,
Doctor STAATS,
Col HEATHCOTE,

Mr BARBERIE,
Mr BYERLEY.

A Message from the Assembly by Col Morris returning back to this Board the Bill Entituled, An Act for the further laying out, regulating and clearing publick Highways throughout this Colony and the Bill entituled, An Act for mending and keeping in repair the Post road from New York to Kings bridge, The several amendments made by this Board to the said Bill & desiring this Board to appoint a Committee to meet a Committee of that House to Conferr on the subject matter of the last Conference at the House of Mr Hardenbrook at three of the Clock this afternoon.

Ordered, that the Gentlemen of this Board or any five of them be a Committee to meet a Committee of the Assembly accordingly to Conferr on the subject matter of the said last Conference.

At a Councill held at Fort Anne in New York, the 23th day of October, 1713.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Col D'PEYSTER,
Doctor STAATS,
Cap^t WALTER,
Col HEATHCOTE,

Mr MOMPESON,
Mr BARBERIE,
Mr BYERLEY.

The Committee appointed by this Board to meet a Committee of the Assembly yesterday on a Conference on the subject matter of the Two first amendments made by this Board to the Bill entituled, An Act for mending and keeping in repair the Post road from New York to Kings Bridge, acquainted this Board that they had mett the Committee of the Assembly accordingly on the said Conference and the Committee of the Assembly disagreeing to the same amendments,

Resolved, that this Board do recede from their said amendments to the said Bill.

Ordered, that Col Heathcote do acquaint the Assembly that this Board do recede from the two first amendments made by this Board to the said Bill.

The Committee appointed by this Board to meet a Cōmee of the Assembly yesterday on a Conference on the subject matter of the Two last amendments made by this Board to y^e Bill entituled, An Act for the further laying out, regulating and clearing publick Highways throughout this Colony, acquainted this Board that they had mett the Committee of the Assembly accordingly on the said Conference & the Committee of y^e Assembly agreeing to the amendments made by this Board in fol 8, but Disagreeing to the other amendments made by this Board.

Resolved, that this Board do recede from the Amendments made by this Board to the Said Bill in fol. 7.

Ordered, that Col Heathcote acquaint the Assembly that this Board do recede from the s^d Amendment made by this Board to the Said Bill.

Ordered, that the Deputy Secretary do acquaint the Assembly that his Excellency Commands them here Immediately

And the Assembly being Come His Excellency gave his assent to the following Bills Enacting the Same and

Ordered them to be Enrolled viz^t.

An Act for Continuing An Act entituled, An Act for laying an Excise on all Strong liquors retail'd in this Colony.

An Act for the Treasurers paying Sundry Sūms of money to Several persons hereafter named.

An Act for the Treasurers paying the Sum of One hundred & twenty five ounces of Plate to Peter Vanbrough & Hendrick Hansen Esq^r Comm^r at Albany

An Act for laying a Duty on goods sold by Auction, Vendue or Outery

An Act to Oblidge the County of Ulster to Satisfy what that County is in Arrear to Col Jacob Rutsen & Adrian Garrettse Esq^{rs}

An Act for mending and keeping in repair the Post road from New York to Kings Bridge.

An Act for the further laying out regulating & better clearing Publick Highways throughout this Colony

An Act for Dutchess County to Elect a Supervisor, a Treasurer, Assessors and Collectors.

And then his Excellency went with the Assembly to publish the Said Acts.

At a Council held at Fort Anne in New York the 28th day of October, 1713.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll D'PEISTER,
Doctor STAATS,
Captain WALTER,

Mr MOMPESON,
Mr BARBERIE,
Mr BYERLEY.

The report of the Committee of the Council to whom was referred the account of Hendrick Hansen for his Journey &c to Onondago in September last was read and Confirmed.

Ordered, that the Secretary do Carry the Same to y^e Assembly & recomend it to them to provide for the payment thereof.

The report of the Cōmee of the Council to whom was Comitted the account of Hendrick Hansen for Sundrys delivered by him &c to Some Indians by order of the Comm^{rs} of the Indian Affairs was read and Confirmed.

Ordered, that the Secretary do carry the Same to the Assembly and recommend it to them to provide for the payment thereof.

At a Council held at Fort Anne in New York, this 10th day of October, 1713.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Col D'PEYSTER,
Cap^t WALTER,
Mr MOMPESON,

Mr BARBERIE,
Mr BYERLEY.

The Bill entituled, An Act to take away Doubts & Scruples relating to the letting of the Excise was read the first time and

Ordered to be read a Second time

Then the said Bill was read a Second time & Comitted to the Gentlemen of this Board or any five of them.

The Bill entituled, An Act to discharge Peter Vanbrug & Hendrick Hansen of the City of Albany in the Colony of New York and from all Debts, Dues and Demands whatsoever for and Concerning the provisions, Amunitions and other Stores of Warr formerly in their hands belonging to this Colony was read the first time and is

Ordered to lye upon the Table

His Excellency Acquainted this Board that this day the Assembly had addressed him to pass the Bill for the payment of the Arrears of Salary due to their officers and that his Excellency told them that the Trēar informed him he had no money in his hands. and that if he had it wou'd be unreasonable to do it before it be known what the Difficiency will be of the money for the Support of Government this year & whether the Treasurer will have Suffieient in his hands to Answer that Difficiency.

At a Council held at ffort Anne in New York, the 31st day of October, 1713.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Col D'PEYSTER,
Cap^t WALTER,
Mr MOMPESON,

Mr BARBERIE,
Mr PHILLIPSE,
Mr BYERLEY.

Mr Phillipse Chairman of the Committee to whom was Comitted the Bill entituled, An Act to take away Doubts and Scruples relating to the Settling of the Excise, reported from the said Committee that they have gone through the same without any Amendment.

Ordered, that the Bill be read the third time.

Then the said Bill was read the third time & past without Amendment.

Ordered, that M^r Phillipse do Acquaint the Assembly y^t this Board do agree to the said Bill without any Amendment.

At a Council held at Fort Anne in New York the 31st day of October, 1713.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Col D'PEYSTER,
Doctor STAATS,
Cap^t WALTER,
M^r MOMPESON,

M^r BARBERIE,
M^r PHILLIPSE,
M^r BYERLEY.

Ordered, that the Secretary Acquaint the Assembly that his Excellency Commands their attendance here immediately.

And the Assembly being Come his Excellency gave his Assent to the following Bill, enacting the same & *Ordered* it to be enrolled viz^t.

An Act to take away Doubts and Scruples relating to y^e letting of the Excise.

FIFTEENTH ASSEMBLY THIRD SESSIONS.

At a Council held at Fort Anne in New York, the 24th day of March, 1713.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Col D'PEYSTER,
Doctor STAATS,
Cap^t WALTER,
M^r VAN DAM,

M^r MOMPESON,
M^r BARBERIE,
M^r PHILLIPSE,
M^r BYERLEY.

His Excellency having sent the Secretary to the Assembly to require their attendance they came accordingly then his Excell^{cy} made the following speech to them.

Gentlemen,

You are now mett in order to dispatch the affairs left unfinished at the Close of your last Session the principal of which is the payment of the publick Debts. There being a law already past appropriating a sufficient fund for that purpose & these debts being by your Commissarys of Acco^{ts} ascertain'd and methodiz'd, I cannot guess at the least Colourable pretence for deferring it and none but such who have a mind to declare themselves regardless of Justice and the Interest of their Countrey can obstruct or oppose it.

What besides may require your Consideration I shall impart to you from time to time, if need be, and shall leave nothing undone on my part that may keep up a perfect good understanding between us upon which in a great measure, the quiet & prosperity of the Country Depends.

RO HUNTER

At a Council held at Fort Anne in New York, this 3^d day of April, 1714.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Col D'PEYSTER,
Doctor STAATS,
Cap^t WALTER,
M^r VAN DAM,

Col HEATHCOTE,
M^r BARBERIE,
M^r BYERLEY.

The Bill entituled, An Act to entitle Garret De Graeven & his assigns to the fishery of porpoises during the term of seven years, being sent from the Assembly to this Board for their Concurrence, was read the first time &

Ordered, to be read a second time.

At a Council held at Fort Anne in New York, the 7th day of Aprill, 1714.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll D'PEYSTER,
Doctor STAATS,
M^r BARBERIE,

M^r PHILLIPSE,
M^r BYERLEY.

The Bill entituled, An Act to Entitle Garrett De Graeun and his Assigns to the fishery of porpoises during the Term of Seven years, was read the Second time & Comitted to the Gentlemen of this Board or any five of them

At a Council held at ffort Anne in New York, the 10th day of Aprill, 1714.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll D'PEYSTER,
Doctor STAATS,
Cap^t WALTER,

M^r BARBERIE,
M^r BYERLEY.

M^r Byerley reported from the Comittee to whom was Comitted the Bill entituled, An Act to Entitle Garrett De Granew and his Assigns to the fishery of porpoises during the term of seven years, that they have gone through the same with an Amendment which was read and agreed to by this Board.

Ordered, that the said Bill be read the third time with the Amendment.

Then the said Bill was read the third time with y^e Amendm^t & past.

Ordered, that M^r Byerley do Carry the Said Bill wth the Amendment to the Assembly and Acquaint them that this Board do agree to the same with an Amendment to which they desire the Concurrence of that House.

At a Council held at Fort Anne in New York, the 29th day of Aprill, 1714.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Col D'PEYSTER,
Doctor STAATS,
Col BECKMAN,

M^r PHILLIPSE,
M^r BYERLEY.

The Bill entituled, An Act for Lycencing Hawkers & Pedlars within this province for four years, was read the first time and

Ordered to be read a Second time.

The Bill entituled, An Act to relieve Samuel Steele Commander of the Ship Benjamin and all others concerned in the said Ship and Cargo from the Duty of Seven & an half ^p cent Imposed by An Act of Assembly made in the twelfth year of her Majesties reign, was read the first time and

Ordered to be read a Second time.

The Bill entituled, An Act for reviving An Act of General Assembly of this province Entituled, An Act to prevent Damage by Swine in the County of West Chester, Queens County & the County of Richmond, was read the first time and

Ordered to be read a Second time.

At a Council held at ffort Anne in New York, this 12th day of May, 1714.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Col DE PEYSTER,
Doctor STAATS,
Capt WALTER,

M^r VAN DAM,
M^r BYERLEY.

The Bill entituled, An Act for Collecting & paying to the County Treasurer the Arrears of Taxes in the County of Richmond for defraying the publick and Necessary Charge of the same County, was read the first time &

Ordered to be read a Second time.

The Bill entitled, An Act for reviving An Act of General Assembly of this province Entituled, An Act to prevent Damages by Swine in the County of West Chester, Queens County & the County of Richmond, was read the Second time & Committed to the Gentlemen of the Council or any five of them.

The Bill entitled, An Act to relieve Samuel Steel the Commandr of the Ship Benjamin and all others Concerned in the Said Ship and Cargo from the Duty of Seven and an half p^{c} imposed by An Act of Assembly made in the 12th year of her Majesties reign, was read the Second time and Committed to the Gentlemen of the Council or any five of them.

The Bill entitled, An Act for lycencing Hawkers & Pedlars within this province for 4 years, was read the Second time & Committed to the Gentlemen of the Council or any five of them.

At a Council held at Fort Anne in New York, this 13th day of May, 1714.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Mr VAN DAM,
Col HEATHCOTE,
Mr BARBERIE,

Mr PHILLIPSE,
Mr BYERLEY.

The Bill entitled, An Act for Collecting and paying to the County Treasurer the Arrears of Taxes in the County of Richmond for defraying the publick and necessary Charge of the Same County, was read the Second time and Committed to the Gentlemen of the Council or any five of them.

At a Council held at Fort Anne in New York, the 18th day of May, 1714.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Col SCHUYLER,
Col DE PEYSTER,
Doctor STAATS,

Captain WALTER,
Col BEEKMAN,
Col HEATHCOTE.

Mr Byerley reported from the Committee to whom was Committed the Bill entitled, An Act for collecting and paying to the County Trear the arrears of Taxes in the County of Richmond for Defraying the publick & Necessary charge of the Same, that they have gone through the Same without any Amendment.

Ordered, that the Bill be read the third time

Then the Said Bill being read the third time

Resolved, the Said Bill do pass without Amendment

Ordered, that Mr Byerley do acquaint the Assembly that this Board does Agree to the Said Bill without Any Amendment.

Mr Van Dam took his Place.

Capt Walter reported from the Committee to whom was Committed the Bill entitled, An Act to relieve Samuel Steel Commander of the Ship Benjamin and all others Concerned in the Said Ship & Cargo from the Duty of Seaven and an half p^{c} Cent Imposed by Act of Assembly made in the twelfth year of her Majesties reign, that they have gone through the Same without any Amendment.

Ordered, that the Said Bill be read the third time.

Then the Said Bill being read the third time

Resolved, the Said Bill do pass without any Amendment.

Ordered, that Captain Walter do Acquaint the Assembly that this Board does agree to the Said Bill without any Amendment.

Col Heathcote reported from the Committee to whom was Comitted the Bill entitled, An Act for reviving An Act of General Assembly of this province entitled, An Act to prevent Damages by Swine in the County of West Chester, Queens County & the County of Richmond, that they have gone through the same without any Amendment.

Ordered, that the said Bill be read the third time.

Then the said Bill being read the third time.

Resolved, the Bill do pass without Amendment

Ordered, that Col Heathcote do Acquaint the Assembly that this Board does agree to the Bill without any Amendment.

Mr Mompesson took his place.

Mr Van Dam reported from the Committee to whom was Comitted the Bill entituled, An Act for lycencing Hawkers & Pedlars within this province for 4 years, that they have gone through the same wthout any Amendment.

Ordered, that the said Bill be read the third time.

Then the said Bill was read the third time

Resolved, that the said Bill do pass without amendment.

Ordered, that Mr Van Dam do acquaint the Assembly that this Board do agree to the said Bill without any Amendm^t.

Mr Barberie took his place

Ordered, that the Secretary acquaint the Assembly that this Board does recomend to them to make some provision for the reliefe of the Inhabitants of the County of Ulster who have frequently been commanded from thence to Albany for the Defence of the frontiers without having had any Compensation for such their Service.

At a Councill held at Fort Anne in New York, this 3^d day of June, 1714.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Col D'PEYSTER,
Doctor STAATS,
Col BEEKMAN,
Mr VAN DAM,

Mr MOMPESSEON,
Mr BARBERIE,
Mr BYERLEY.

The Bill entituled, An Act for levyng and paying the several Dutys therein mentioned for the use of this Colony, was read the first time and

Ordered to be read a Second time.

The said Bill was read a Second time & Committed to the Gentlemen of this Board or any five of them

At a Councill held at Fort Anne in New York, this 8th of June, 1714.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll D'PEYSTER,
Doctor STAATS,
Cap^t WALTER,
Mr VAN DAM,

Col HEATHCOTE,
Mr MOMPESSEON,
Mr BARBERIE,
Mr BYERLEY.

Col Heathcote for Mr Phillipse reported from the Committee to whom was Committed the Bill entituled, An Act for levyng & paying the Several Duties therein mencōned for the use of this Colony, that they have gone through the same without any Amendment.

Ordered, that the said Bill be read the third time.

Then the said Bill was read the third time and past.

Mr Byerley gave in a Protest against the passing of the said Bill before it was read the third time

Which Protest is ordered to be entred and follows in *hac verba*:—

CLAUSE in the Bill entituled, An Act for levyng & paying the several Duties therein mencōned for the use of this Colony.

And be it further enacted by the authority aforesaid, that if any Officer belonging to her Majesties Custom House in this Colony shall clear any ship or vessel lyable to pay the said Duty untill it shall appear unto the said Officer that such ship or vessel have entred with the Officer appointed to Collect the Duty and paid the same as aforesaid, He or they shall pay double the Tonnage of what such ship or vessell ought to have paid to be recovered and applied in manner as aforesaid.

IN ANSWER to the foregoing Clause I apprehend that the Officers of her Majesties Customs are distinct from those that are appointed by Act of Assembly and receive their Salarys out of money ariseing from thence, Consequently are not lyable to suffer any penalty for an Omis-ion that may be Comitted in Collecting the Duty that may arise by the said Act; Those persons that are employed and recieve their reward from them are the proper Persons to do it; and as for my self in partienlar I have the Honour to be her Majesties Collector & Receiver General of the province, Which I enjoy by vertue of her Majesties letters patents under the Broad

Seal of Great Britain and a Deputation from the Honourable the Comm^{rs} of her Majesties Customs; Nor can I Conceive that the Duties raised by Act of Assembly are any ways coherent with the other; The Assembly having made officers of their own, whose proper business it is, who may have Constant Recourse to the Custom House Books and sitt at the Custom House if they please during Office hours. It would be an undervaluing to the Commission I bear, to submit my self either to the penalty or Employment (and being a member of this Board I hope it won't be imposed upon me) especially when I consider that when Mr Davis officiated in my absence, he was prosecuted for an Omission of the same nature & forced to pay Damages which I hope will be of such weight with this Honourable Board that I may be excused from undertaking any thing of this Nature; being with all due regard

Your Excellencys & these Hon^{ble} Gentlemen

Most humble servant

T: BYERLEY.

Ordered, that Col Heathcote acquaint the Assembly that this Board does agree to the said Bill without any amendment.

At a Councill held at Fort Anne in New York, the 12th day of June, 1714.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Col D'PEYSTER,
Doctor STAATS,
Mr BARBERIE,

Mr PHILLIPSE,
Mr BYERLEY.

A Message from the Assembly dated the first of June Instant by Col Rutsen and Cap^t Lewis to put this Board in mind of the Bills that were passed by that House and sent up to this Board at the Beginning of this Sessions and to desire that that House may be acquainted what progress this Board have made therein, being read

Ordered, that the Clerk of the Councill lay before this Board at the next Councill a List of what Acts have been sent up by the Assembly to this Board since the beginning of this Sessions and what proceedings have been made thereupon by this Board.

At a Councill held at Fort Anne in New York, this 17th day of June, 1714.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r &c.,

Col D'PEYSTER,
Doctor STAATS,
Cap^t WALTER,
Col BECKMAN,
Mr VAN DAM,

Col HEATHCOTE,
Mr MOMPESON,
Mr BARBERIE,
Mr PHILLIPSE,
Mr BYERLEY.

A Message from the Assembly by Cap^t Lewis that that House desires this Board to appoint a Committee to meet a Committee of their House to Conferr and agree upon the Settling, regulating and ascertaining the Several fees & rewards to be taken by the Officers or other persons within this Government.

Ordered, that the Gentlemen of this Board or any five of them, whereof the Chief Justice or Mr Phillipse to be one, be a Committee for that purpose & that the Comtee begin to Sitt on Monday Next at five a Clock in the Afternoon at the Boot and to Adjourn themselves from day to day till the Business Committed to them be finished.

Ordered, that the Secretary Acquaint the Assembly therewith.

Ordered, that the Secretary lay before the Assembly a List of the Several Bills Sent up to this Board by that House Since the beginning of this present Session & what proceedings have been made thereupon by this Board.

At a Councill held at Fort Anne in New York, this 20th day of June, 1714.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Doctor STAATS,
Cap^t WALTER,
Col HEATHCOTE,

Mr MOMPESON,
Mr BYERLEY.

The Bill entituled, An Act for preventing the Multiplicity of Law Suits, was read the first time &

Ordered to be read a Second time.

The Bill entituled, An Act for Shortning Law Suits and Regulating the Practice of the Law was read the first time &

Ordered to be read a Second time.

The Bill entituled, An Act for regulating of White Servants was read the first time and

Ordered to be read a Second time.

His Excellency having Sent to require the Attendance of the Assembly they Came Accordingly and *His Excellency* Assented to the following Bills :

An Act for levying and paying Several Duties therein mencōned for the use of this Colony.

An Act for licencing Hawkers and Pedlars within this province for four years.

An Act for Collecting and paying to the County Treasurer the arrears of Taxes in the County of Richmond for Defraying the publick and necessary Charge of the Same County.

An Act to releive Samuel Steel Commander of the Ship Benjamin and all others Concerned in the Said Ship & Cargo from the Duty of Seven & an half ^q^r C^t imposed by An Act of Assembly made in the 12th year of her Majestys reign.

An Act for reviving An Act of General Assembly of this Province entituled, An Act to prevent Damages by Swine in the County of West Chester, Queens County & the County of Richmond.

At a Councill held at Fort Anne in New York, the 23^d day of June, 1714.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Cap^t WALTER,
Mr VAN DAM,
Col HEATHCOTE,

Mr BARBERIE,
Mr BYERLEY.

His Excellency communicated to this Board a Message which he desires may be sent to the Assembly as followeth.

Gentlemen,

I was unwilling to give any Interruption to your proceedings in the matter of the Publick Debts, but now that you have with much Tronble and Care brought that affair near to a happy period, I must put you in mind that the fouds for support of Government are just expiring & desire you to enter upon measures for its future support. The Receiver General shall lay the accounts in which he is concerned before you when you are ready to receive or please to desire the same.

RO HUNTER.

To the Hon^{ble} the House of
Representatives Conven'd in
General Assembly.

Ordered, that the Seeretary carry the said Message to the Assembly.

Col D'Peyster took his Place.

The Bill entituled, An Act for regulating of White Servants, was read a second time and committed to the Gentlemen of this Board or any five of them.

Doctor Staats took his place at the Board.

The Bill Entituled, An Act for Shortning of Law suits & regulating the praetice of the Law was read the second time & committed to y^e Gentlemen of this Board or any five of them.

The Bill entituled, An Act for preventing the multiplicity of Law Suits was read the second time & committed to the Gentlemen of this Board or any five of them.

At a Council held at Fort Anne in New York, the 1st day of July, 1714.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Col D'PEYSTER,
Doctor STAATS,
Col BEEKMAN,
Col HEATHCOTE,

M^r MOMPESON,
M^r BARBERIE,
M^r BYERLEY.

The Bill entituled, An Act for preventing malicious Prosecutions by Information, was read the first time and

Ordered to be read a second time.

At a Council held at Fort Anne in New York, the 5th day of July, 1714.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Doctor STAATS,
Cap^t WALTER,
M^r MOMPESON,

M^r BARBERIE,
M^r PHILLIPSE,
M^r BYERLEY.

The Bill entituled, An Act for preventing malicious Prosecutions by Information was read the second time & Comitted to the Gentlemen of this Board or any five of them.

A Message from the Assembly that they have passed a Bill entituled, An Act for a Supply to be granted to her Majesty for supporting the Government for the year ensuing.

Which Bill was read the first time &

Ordered to be read a second time.

The Bill entituled, An Act for a Supply to be granted to her Majesty for supporting the Government for the ensuing year was read the second time & committed to the Gentlemen of this Board or any five of them.

At a Council held at Fort Anne in New York the 5th day of July, 1714.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

The Gentlemen of the Council as before.

M^r Phillipse Chairman of the Committee to whom was referred the Bill entituled, An Act for a Supply to be granted to her Majesty for Supporting the Government for the ensuing year reported from the said Committee that they have gone through the same without any amendment.

Ordered, the said Bill be read the third time.

Then the said Bill was read the third time and agreed to without any Amendment.

Ordered, that M^r Phillipse do acquaint the Assembly that this Board do agree to the said Bill without any Amendment.

At a Council held at Fort Anne in New York, the 6th day of July, 1714.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Col D'PEYSTER,
Doctor STAATS,
Cap^t WALTER,

M^r VAN DAM,
M^r MOMPESON,
M^r BARBERIE.

His Excellency sent the Secretary to Command the Attendance of the Assembly here Immediately & they being Come His Excellency gave the Assent to the following Bill inacting the same & ordered it to be enrolled viz^t.

An Act for a Supply to be granted to her Majesty for Supporting the Government for the ensuing year.

At a Council held at Fort Anne, in New York the 7th day of July, 1714.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Col D'PEYSTER,
Doctor STAATS,
Cap^t WALTER,

Mr BARBERIE,
Mr PHILLIPSE,
Mr BYERLEY.

His Excellency sent by the Secretary a Message to the Assembly recommending to them to make provision for his Excellency's Journey to Albany to meet the five Nations & for presents for them in order to take the Hatchet out of their hands & to keep them steady to this Government.

At a Council held at Fort Anne in New York, the 10th day of July, 1714.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Doctor STAATS,
Mr VAN DAM,
Mr BARBERIE,

Mr PHILLIPSE,
Mr BYERLEY.

Mr Van Dam reported from the Committee to whom was Committed the Bill entituled, An Act for preventing the multiplicity of Law Suits that they have gone through the same & made some amendments thereto, which were read & agreed to by the Board.

Ordered, that the said Bill be read a third time wth the Amendments.

Then the said Bill was read the third time with the Amendm^{ts}

Resolved, that the Bill with the Amendments do pass.

Ordered, that Mr Van Dam do Carry the said Bill to the Assembly and Acquaint them that this Board does agree to the said Bill with some Amendments to which they desire the concurrence of that House.

Col D'Peyster took his Place.

Mr Van Dam reported from the Committee to whom was Committed the Bill entituled, An Act for shortning of Law Suits & regulating the Practice of the Law that they have gone through the Same without Any Amendment.

Ordered, that the Said Bill be read the third time.

Then the Said Bill being read the third time

Resolved, the S^d Bill do pass.

Ordered, that Mr Van Dam do Acquaint the Assembly that this Board do Agree to Said Bill without any Amendment.

A Message from the Assembly that that House do agree to the Amendments made by this Board to the Bil Entitled, An Act to Entitle Garret de Graw & his assigns to the fishery of porpoises during the term of Seven years.

The Bill entituled, An Act for preventing Mallitious prosecutions by Information is recommitted.

The Bill Entituled, An Act for regulating of White Servants is recomitted.

At a Council held at Fort Anne in New York, the 13th July, 1714.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Doctor STAATS,
Cap^t WALTER,
Mr VAN DAM,

Mr BARBERIE,
Mr BYERLEY.

Mr Van Dam reported from the Committee that they have gone through the Bill entituled, An Act to prevent malicious prosecutions by Information, and made Some amendments thereto w^{ch} were agreed to by the Board.

Ordered, that the Bill be read the third time wth the Amendments.

Then the Said Bill being read the third time with the Amendm^{ts}

Resolved, that the Bill with the Amendments do pass.

Ordered, that Mr Van Dam do Carry the Said Bill to the Assembly & acquaint them that this Board does agree to the Same with Some Amendments to which they desire the Concurrence of that House.

Mr Van Dam reported from the Committee that they have gone through the Bill entituled, An Act for regulating of White Servants & made Some Amendments thereto which were agreed to by the Board.

Ordered, that the Bill be read the third time with the Amend^{mts}.

Then the Said Bill being read the third time with the Amendments

Resolved, the Bill with the Amendments do pass.

Ordered, that Mr Van Dam do Carry the Said Bill to the Assembly and Acquaint them that this Board does agree to the Same wth Some Amendments to which they desire the Concurrence of that House.

Col D'Peyster took his place.

The Bill entituled, An Act for encouraging the Indian Trade at Albany was read the first time &

Ordered to be read a Second time

His Excellency communicated to this Board a Letter from the Com^{rs} of the Indian Affairs of the first of July & the proposicōns of the five Nations the 26th of June last.

Ordered, that Mr Van Dam do lay them before the Assembly & Acquaint them that His Excellency hopes they have his last Message on this Head under Consideration & to quicken their resolves has ordered these papers to be laid before them.

At a Council held at Fort Anne in New York, the 15th day of July, 1714.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Col DEPEYSTER,
Doctor STAATS,
Cap^t WALTER,
Col BEEKMAN,

Mr VAN DAM,
Col HEATHCOTE,
Mr MOMPESSEX.

The Bill entituled, An Act for encouraging the Indian Trade at Albany was read the second time and committed to the Gentlemen of this Board or any five of them.

At a Council held at Fort Anne in New York, the 16th day of July, 1714.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Col D'PEYSTER,
Doctor STAATS,
Cap^t WALTER,

Col HEATHCOTE,
Mr BYERLEY.

Doctor Staats reported from the Committee to whom was Committed the Bill entituled, An Act for encouraging the Indian Trade at Albany that they have gone through the same wthout any amendment.

Ordered, that the Bill be read the third time.

Then the Bill was read the third time & past without any amendment.

Ordered, that Doctor Staats do acquaint the Assembly that this Board does agree to the said Bill without any amendm^t

His Excellency communicated to this Board a L^re from the Comm^{rs} of the Indian Affairs of the 12th Instant signifying that the young Indians of the Mohocks are going out a fighting but where is not yet known & that the Minisinek & Esopus Indians have sent to beg the assistance of the five Nations.

Ordered, that Doctor Staats lay the said Letter before the Assembly and acquaint them that his Excellency having just now received it, once more recomends to their consideration the present scituation of affairs on the frontiers and among the Indians which he hopes this Letter will convince them of.

At a Council held at Fort Anne in New York, the 22th day of July, 1714.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Col D'PEYSTER,
Doctor STAATS,
Cap^t WALTER,
Col BEEKMAN,
M^r VAN DAM,

Col HEATHCOTE,
M^r MOMPESSEON,
M^r BARBERIE,
M^r PHILLIPSE,
M^r BYERLEY.

The Bill entituled, An Act for the paying and discharging the several Debts & sums of money claimed as Debts of this Colony to the several persons therein named & to make & enforce the Currency of Bills of Credit to the value of twenty Six thousand Nine hundred and fifty pounds for that purpose, also to make void all claims & Demands made or pretended to be due from this Colony before the first day of June one thousand seven hundred and fourteen, & to prevent this Colony from being in Debt for the future, was read the first time &

Ordered, to be read a second time.

The Bill entituled, An Act for Continuing An Act of Assembly entituled, An Act for laying a Duty on goods sold by Auction, Vendue or Outery was read the first time &

Ordered, to be read a second time.

At a Council held at Fort Anne in New York the 23^d day of July, 1714.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Col D'PEYSTER,
Doctor STAATS,
Cap^t WALTER,
Col HEATHCOTE,

M^r BARBERIE,
M^r PHILLIPSE,
M^r BYERLEY.

The Bill entituled, An Act for paying and discharging the Several Debts & Sums of money claimed as Debts of this Colony to the Several persons therein named & make & enforce the Currency of Bills of Credit to the value of twenty six thousand Nine hundred & fifty pounds for that purpose, Also to make void all claims & Demands made or pretended to be due from this Colony before the first day of June one thousand seven hundred & fourteen & to prevent this Colony from being in Debt for the future, was read the Second time & Committed to the Gentlemen of this Board or any five of them who have power to adjourn themselves from time to time & to send for persons, papers & records.

The Bill entituled, [An Act for] regulating fences for the Several Cityes & Countys within this Colony was read the first time &

Ordered to be read a Second time.

The Bill entituled, An Act for Continuing An Act of Assembly entituled, An Act for laying a Duty on goods sold by Auction, Vendue or Outery, was read the Second time & Committed to the Gentlemen of this Board or any five of them.

At a Council held at Fort Anne in New York, this 27th day of July, 1714.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Col DEPEYSTER,
Doctor STAATS,
M^r BARBERIE,

M^r PHILLIPSE,
M^r BYERLEY.

The Bill entituled, An Act for the Treas paying to his Excellency a sum of money for presents to the five Nations of Indians & for his expences in going to Albany to Treat with them, was read the first time &

Ordered to be read a Second time.

Cap^t Walter took his place.

The Bill entituled, An Act for regulating fences for the Several Cities & Counties within this Colony was read the Second time & Committed to the Gentlemen of this Board or any five of them.

The Bill entituled, An Act for the Treas paying to his Excellency a sum of money for presents to the five Nations of Indians & for his Excellency's expence in going to Albany to treat with them, was read the Second time & Committed to the Gentlemen of this Board or any five of them.

At a Council held at Fort Anne the 29th day of July, 1714.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Doctor STAATS,
Cap^t WALTER,
Col BEEKMAN,

Mr BARBERIE,
Mr BYERLEY.

Mr Byerley reported from the Committee to whom was Committed the Bill entituled, An Act for Continuing An Act of Assembly Entituled, An Act for laying a Duty on goods sold by Auction, Vendue or Outcry, that they have gone through the same & made an Amendm^t thereto, which was read and agreed to by the board.

Ordered, that the Said Bill be read the third time with the Amendment.

Then the Said Bill was read the third time & past with the Amendment.

Ordered, that Mr Byerley do Carry the Said Bill to the Assembly and Acquaint them that this Board does Agree to the same with an Amendment to which they desire the Concurrence of that House.

Mr Byerley for Mr Van Dam reported from the Committee to whom was Committed the Bill entituled, An Act for the Treasurers paying to his Excellency a Sum of money for presents to the five Nations of Indians & for his Excellency's expence in going to Albany to treat with them, that they have gone through the Same without Any Amendment.

Ordered, that the Bill be read the third time

Then the Said Bill was read the third time & past

Ordered, that Mr Byerley do acquaint the Assembly that this Board does agree to the Said Bill without any Amendment.

Coll D'Peyster took his Place.

Mr Byerley reported from the Committee to whom was Committed the Bill entituled, An Act for regulating flences for the several Cities & Counties within this Colony, that they have gone through the Same without any Amendment.

Ordered, that the Said Bill be read the third time.

Then the Said Bill was read the third time & past without Amendment.

Ordered, that Mr Byerley do acquaint the Assembly that this Board does agree to the said Bill without any Amendment.

At a Council held at Fort Anne in New York, the 6th day of August, 1714.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Col D'PEYSTER,
Doctor STAATS,
Cap^t WALTER,
Mr VAN DAM,

Mr MOMPESSEON,
Mr BARBERIE,
Mr PHILLIPSE,
Mr BYERLEY.

The Assembly attending his Excellency pursuant to his Message he gave his Assent to the following Bill.

An Act for the Treasurers paying to his Excellency a Sum of money for presents to the five Nations of Indians & for his Expence in going to Albany to treat with them

At a Council held at Fort Anne in New York, the 26th day of August, 1714.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Col D'PEYSTER,
Doctor STAATS,
Captain WALTER,
Col BEEKMAN,

Col RENNELAER,
Mr VAN DAM,
Mr BARBERIE,
Mr BYERLEY.

A Message from the Assembly that they have past a Bill Entituled, An Act for appointing Comm^{rs} to lett to flamm the Excise throughout this Colony.

Which Bill was read a first time and

Ordered to be read a Second time.

At a Council held at Fort Anne in New York the 31st day of August, 1714.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Col D'PEYSTER,
Doctor STAATS,
Cap^t WALTER,

Mr MOMPESSEON,
Mr BYERLEY.

The Bill Entituled, An Act for Appointing Comm^{rs} to lett to farm the Excise throughout this Colony, was read the Second time and Committed to the Gentlemen of this Board or any five of them.

A Message from the Assembly by Mr Herring that he return to this Board the Bill Entituled, An Act for preventing the multiplicity of Law Suits and Acquaint them that that House do agree to the Amendments made by this Board to the said Bill.

At a Council held at Fort Anne in New York the 2^d day of September, 1714.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Col D'PEYSTER,
Doctor STAATS,
Cap^t WALTER,
Coll BECKMAN,

Mr BARBERIE,
Mr PHILLIPSE,
Mr BYERLEY.

Adolph Phillipse Chairman of the Committee to whom the Bill entituled, An Act for the paying and dischargeing the several debts and sums of money claim'd as Debts of this Colony to the several persons therein named, and to make and enforce the Currency of Bills of Credit to the value of twenty six thousand Nine hundred and fifty pounds for that purpose, also to make void all claims and Demands made or pretended to be due from this Colony before the first day of June one thousand Seven hundred and fourteen, and to prevent this Colony from being in debt for the future, was Committed. Reported that they have gone through the said Bill and made several Amendments thereto, which he read in his place and afterwards delivered in at the board where the same were read and agreed to by this Board.

Ordered, that the said Bill with the Amendments be read the third time.

Then the said Bill with the Amendments was read the third time and past with the said Amendments

Ordered, that Mr Phillipse do carry the said Bill to the Assembly and acquaint them that this Board does agree to y^e same with some Amendments to which they desire the Concurrence of that House.

Adolph Phillipse Esq^r for Rip Van Dam Esq^r Chairman of the Committee to whom the Bill entituled, An Act for Appointing Comm^{rs} to lett to farm the Excise throughout this Colony was Committed, reported that they have gone through the said Bill and made an Amendm^t thereto, which he read in his place and afterwards delivered in at the Board where the same was read and agreed to by this Board.

Ordered, that the said Bill with the Amendments be read the third time.

Then the said Bill with the Amendment was read the third time and past with the said Amendment.

Ordered, that Mr Van Dam do carry the said Bill to the Assembly and acquaint them that this Board does agree to the same with an amendm^t to which they desire the Concurrence of that House.

At a Council held at Fort Anne in New York, the 3^d day of September, 1714.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Col D'PEYSTER,
Doctor STAATS,
Cap^t WALTER,

Mr BARBERIE,
Mr BYERLEY.

A Message from the Assembly by Mr D'Lancey with the Bill entituled, An Act for the paying and dischargeing the several Debts & sums of money claim'd as Debts of this Colony &c, to acquaint this Board that that House do agree to the amendments made by this Board to the said Bill.

Ordered, that the said amendments be engrossed in the said Bill.

A Message from the Assembly by Mr Lakerman with the Bill entitled, An Act for appointing Comm^{rs} to Lett to farm the Excise throughout this Colony and to acquaint this Board that that House do agree to the amendment made by this Board to the said Bill.

Ordered, that the said amendment be Engrossed in the said Bill.

At a Council held at Fort Anne in New York, the 4th day of September, 1714.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Col D'PEYSTER,
Doctor STAATS,
Cap^t WALTER,
M^r VAN DAM,

M^r MOMPESON,
M^r BARBERIE,
M^r PHILLIPSE,
M^r BYERLEY.

His Excellency having sent the Deputy Secretary to command the attendance of the Assembly and they being come his Excellency gave his Assent to the following Bills Enacting the same and ordered them to be Enrolled viz^t.

An Act for the paying and discharging severall Debts and sums of money claimed as Debts of this Colony to the several persons therein named and to make and enforce the Currency of Bills of Credit to the value of Twenty seven Thousand six hundred and Eighty pounds for that purpose; also to make void all claims and Demands made or pretended to be due from this Colony before the first day of June one thousand seven hundred and fourteen and to prevent this Colony from being in debt for the future

An Act for preventing the multiplicity of Lawsuits & regulating the Practice of the Law.

An Act for Encourageing the Indian Trade at Albany.

An Act for regulating flences for the several Cities & Counties wthin this Colony

An Act for appointing Comm^{rs} to lett to farm the Excise throughout this Colony

An Act to Entitle Garret D'Greaw and his assigns to the fishery of Porpoises during the term of seven years

An Act for the Treasurers paying the moneys therein mentioned.

An Act for the Treasurers paying the arrears due to the Clerk and Doorkeepers of the General Assembly of this Colony and paying the printers salary.

An Act for shortning of Law suits & regulating y^e practice of the Law.

At a Council held at Fort Anne in New York, the 4th day of September, 1714,

In the afternoon.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Col D'PEYSTER,
Doctor STAATS,
Cap^t WALTER,

M^r MOMPESON,
M^r BYERLEY.

An Address to her Majesty by the Council & Assembly to congratulate her Majesty on the peace and to recommend the two Acts for payment of the Debts of the Government to her Majesties approbation, was agreed to and Signed by the Council and sent to the Assembly for their Concurrence

At a Council held at Fort Anne in New York, the 9th day of September, 1714.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Col D'PEYSTER,
Doctor STAATS,
Cap^t WALTER,
Col BECKMAN,

M^r VAN DAM,
M^r MOMPESON,
M^r BARBERIE.

A Message from the Assembly that they have past a Bill entitled, An Act for Explaining An Act Entitled, An Act for levying and paying the several Duties therein mention'd for the use of this Colony.

Which Bill was read the first time and

Ordered to be read a Second time.

A Message from the Assembly that they have past a Bill Entituled, An Act for preserving of Oysters.

Which Bill was read the first time and

Ordered to be read a Second time.

[IN EXECUTIVE SESSION.]

3^d day of November, 1714.

Ordered, that Writts Issue for the Electing Members for a New Assembly Returnable in forty days and bearing Test this day and that the Writt to Issue to Dutchess County & Orange County be for two members each.

14th day of December, 1714.

His Excellency told this Board that in regard of the season of the year & that there is no urgent necessity for the Assembly's meeting at this time he thinks it proper to adjourn them for about six weeks

His Excellency likewise informed that there being a mistake in y^e direction of a Writt for the Election of a Member for the Burrough of West Chester it being directed to the Sheriff of the County instead of the Bayliff of the Burrough whereby no Election is made for that Burrough. It is

Ordered, that another Writt be made out for the Electing of a member for that Burrough directed as has been Customary to bear teste this day & be returnable the twenty fifth of January next

His Excellency signed a Proclamation for adjourning the Assembly to the twenty fifth January next.

13th day of January, 17¹⁴/₅.

Ordered, that a Proclamation be prepared for further adjourning the Assembly to the first day of March next

25th day of February, 17¹⁴/₅.

Ordered, a Proclamation to Issue for further adjourning the Assembly to the 15th of March next

SIXTEENTH ASSEMBLY FIRST SESSIONS.

At a Council held at Fort George in New York, the 3^d day of May, 1715.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll DEPEYSTER,
Doctor STAATS,
Cap^t WALTER,

M^r VAN DAM,
M^r BARBERIE.

His Excellency sent M^r Deputy Secretary to y^e Assembly to Command their Attendance in the Council Chamber Immediately; whereupon those that were in Town came and took the Oaths appointed to be taken instead of the Oaths of Allegiance & Supremacy & took and subscribed the Test and abjuration Oath appointed by Act of parliament to be taken, Intituled, An Act for the further Limitation of the Crown & better securing the rights and liberties of the Subjects &c, And then his Excellency recommended to them to return & choose a Speaker to be presented to him.

Then they Returned & presented W^m Nicoll Esq^r their Speaker, whom his Excellency approved of.

Then his Excellency made the following speech to them.

Gentlemen,

I have waited with some Impatience for this meeting where the Country might have an Opportunity of making an humble tender of their Duty to his Majesty and express in words the Joy of their hearts for his happy and peaceable accession to the Crown by you their Representatives.

It would be a crime to entertain the least suspicion that a people who share in this general but unspeakable blessing of having all that is Dear Religious or Civil firmly secured to them at a time when both, by the Acts of ill men were brought into the utmost Danger should upon this occasion be wanting in the least respect to their own true Interests in grateful returns to Almighty providence or Duty to their great Deliverer.

I think it necessary to acquaint you that His Majesty has been graciously pleased to order my Commissions for the Government of these provinces to be renewed notwithstanding the malicious & unjust accusations of some men altogether strangers to me and my conduct. The softest terms that they have given to my administration is Arbitrary, illegal, grievous, oppressive, unjust & destructive. Were there any Colour I pronounce my self not only unfit to Govern but unworthy to live and tho' God & my Conscience Acquit me of that foul charge yet could I be perswaded that any part of it could gain Credit in the minds of men I would make it my most humble request to his Majesty to remove me Thorowly Convinced that the best guarded Conduct and most Innocent life are not proof against the malice of Selfish and designing men and something I have preserved which I value more then life & so would not willingly loose it.

I am further to acquaint you that the Earl of Clarendon has thought fitt to enter a Caveat against passing the Act for payment of the publick Debts here. What his reasons are or what Effect they may have I know not; I shall only say that in my opinion he of all men ought to have been silent in this Case, but I cannot think that we can be so without Breach of the trust reposed in us and involving ourselves in the guilt of the sufferings of so many hundred of persons and families whose very beings depends upon the passing of that Act; so I hope you will in conjunction wth the Council find out some speedy and Effectual expedient for removing that obstacle or any other that may be offered of the like Nature and I cannot but think it absolutely necessary that some person or persons sufficiently quallified and amply instructed by the whole Legislature be immediatly sent to Court for that purpose.

You are not Ignorant that the Dutys imposed for y^e support of the Government for this last year are upon the point of Expiring but perhaps you do not know that these Dutys fall much short of the sum assign'd for that use by the late General Assembly, the Receiver Generals accounts of Receipts and Issues will make that plain to you and indeed the sum it self is so scanty that not only officers are Crampt in their salaries but many necessary publick services postpon'd or neglected for want of Fonds to answer the Charges. I firmly perswade myself that you are now met with good and firm Inclinations & Resolution to Remedy that Inconveniency amongst others so prejudicial to your own safety as well as the Dignity of his Majestys Government.

As for my own part I declare that they abuse you who go about to perswade you.

After which the Speaker desired His Excellency that they may Enjoy their usual priveledges which His Excellency Granted.

At a Council held at Fort George in New York, the 9th day of May, 1715.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Doctor STAATS,
Cap^t WALTER,
M^r VAN DAM,

M^r BARBERIE,
M^r BYERLEY.

His Excellency communicated to this Board the Lord Clarendons Memorial to the Lords of Trade against the passing the Bill for payment of the publick Debts.

Ordered, that a Copy of that part of the said Memorial relating to the said Bill be delivered to the Assembly. And

Ordered, that y^e Gentlemen of this Board or any five of them be a Committee to meet a Committee of the Assembly to consider of the said Memorial and of what may be proper to be done by them thereon.

Ordered, that Doctor Staats do desire the Assembly to appoint a Committee of their House to meet a Committee of this Board to morrow at four a Clock in the Afternoon at the house of M^r Cock to consider of the said Memorial &c.

At a Council held at Fort George in New York, the 17th day of May, 1715.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Col D'PEYSTER,
Doctor STAATS,
Cap^t WALTER,

M^r BARBERIE,
M^r BYERLEY.

The Bill Entituled, An Act for the better explaining One Act of General Assembly passed in the year of our Lord One thousand Seven hundred & fourteen Entituled, An Act for paying and discharging the Several Debts and Sums of money claimed as Debts of this Colony to the Several P^{ersons} therein named and to make and enforce the Currency of Bills of Credit to the value of twenty seven thousand six hundred & Eighty pounds for that purpose &c, was read the first time &

Ordered to be read a Second time.

Then the Said Bill was read a Second time & Committed to y^e Gentlemen of this Board or any five of them.

The Bill entituled, An Act for preserving of Oysters was read the first time &

Ordered to be read a Second time.

Then the Said Bill was read the Second time & Committed to y^e Gentlemen of this Board or any five of them.

At a Council held at Fort George in New York, y^e 18th day of May, 1715.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Col DEPEYSTER,
Doctor STAATS,
Cap^t WALTER,

M^r VAN DAM,
M^r BYERLEY.

Cap^t Walter reported from the Committee to whom was committed the Bill entituled, An Act for the better explaining One Act of General Assembly pass'd in the year of our Lord one thousand Seven hundred & fourteen entituled, An Act for paying and discharging the Several Debts and Sums of money claimed as Debts of this Colony to the several P^{ersons} therein Named and to make and enforce the Currency of Bills of Credit to the value of twenty seven Thousand six hundred & Eighty pounds for that purpose, also to make void all claims and Demands made or pretended to be due from this Colony before the first day of June One Thousand Seven hundred and fourteen, and to prevent this Colony from being in debt for the future, That they have gone through the Same without Any Amendment.

Then the Said Bill was read a third time and past.

Ordered, that Captain Walter do Acquaint the Assembly that this Board do agree to the Said Bill without Any Amendment.

Captain Walter reported from the Committee to whom was Committed the Bill entituled, An Act for preserving of Oysters, that they have gone through the Same without Any Amendment.

Then the Said Bill was read a third time & past.

Ordered, that Cap^t Walter do Acquaint the Assembly that this Board do agree to the Said Bill without Any Amendment.

*At a Council held at Fort George in New York, y^e 18th day of May, 1715,
At 4 in y^e Afternoon.*

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll DE PEYSTER,
D^r STAATS,
Cap^t WALTER,

M^r BARBERIE,
M^r BIERLEY.

Ordered, that the Gent of y^e Council or any five of them be a Committee to prepare and bring in a Bill for y^e settling the Militia of this province.

A Message from y^e Assembly wth an Address from that House to his Majestie praying his Excellency to Transmit it.

At a Council held at Fort George in New York, the 19th May, 1715.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll DEPEYSTER,
D^r STAATS,
Cap^t WALTER,
Coll BEEKMAN,

M^r VAN DAM,
M^r BARBERIE,
M^r BIERLEY.

His Excellency having sent for the Assembly he Gave his assent to the following Bills

An Act for the better Explaining one Act of General Assembly pass'd in the year of our Lord 1714, Entitled, An Act for paying and discharging the several Debts and sums of money claimed as Debts of this Colony to the several P^{rs}ons therein named and to make and Enforce y^e Currency of Bills of Credit to y^e value of Twenty Seven Thousand Six hundred and Eighty pounds for that purpose—Also to make void all Claim and Demands made or p^rtended to be due from this Colony before the first Day of June One Thousand seven hundred and Fourteen and to prevent this Colony from being in Debt for the future. And

An Act for preserving of Oysters.

At a Council held at Fort George in New York, 3rd (sic) May, 1715.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll DEPEYSTER,
Doctor STAATS,
Cap^t WALTER,
M^r VAN DAM,

M^r BARBERIE,
M^r PHILIPSE,
M^r BIERLEY.

The Bill Entituled, An Act for appointing An Agent for this Colony at the Court of Great Britain & for raising a sum of money annuallly to Defray the Charge thereof, was read the first time and

Ordered to be read a second time Instantly

Then the said Bill was read a Second Time and Committed to y^e Gentlemen of this Board or any five of them

At a Council held at Fort George in New York, y^e 31st May, 1715.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll DEPEYSTER,
Doctor STAATS,
Cap^t WALTER,

Mr VAN DAM,
Mr BARBERIE.

Mr Barberie for Mr Byerley Reported from the Committee to whom was Committed y^e Bill Entitled, An Act for appointing an Agent for this Colony at the Court of Great Britain and for raising a sum of money annally to defray the Charge thereof, That they have gone through the same and made some amendm^{ts} thereto which were read and agreed to by the Board

Ordered, that the Bill be read the Third Time.

That the said Bill was read y^e Third Time and pass'd with the amendments.

Ordered, that Mr Barberie do carry the said Bill to the Assembly and acquaint them that this Board do agree to the said Bill wth some Amendments to w^{ch} they Desire the Concurrence of that house.

The Bill Entitled, An Act Declaring John Sloss free from the Duty of Tonnage, was read y^e first time and

Ordered, to be read a Second Time

At a Council held at Fort George in New York, the Second day of June, 1715.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll DEPEYSTER,
Doctor STAATS,
Cap^t WALTER,
Coll BEEKMAN,

Mr VAN DAM,
Mr BARBERIE,
Mr BIERLEY.

The Bill Entitled, An Act for Building a County house and prison in Dutchess County within this Colony was read the first time and

Ordered to be read a Second time.

The Bill Entitled, An Act for Encouraging Navigation was Read the first Time and

Ordered to be read a Second Time

The Bill Entitled, An Act for Enabling the Major and Aldermen of y^e City of New York to hold plea of Foreign Attachment, was Read the first time and

Ordered to be read a Second Time.

The Bill Entitled, An Act Declaring John Sloss free from the Duty of Tonnage was read the Second Time and Committed to the Gentlemen of this Board or any five of them.

At a Council held at Fort George in New York, the 9th June, 1715.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll DEPEYSTER,
Doctor STAATS,
Mr VAN DAM,

Mr BARBERIE,
Mr PHILLIPSE,
Mr BIERLEY.

His Excellency communicated to this Board a Letter from the Comm^{rs} of the Indian Affairs at Albany of the 1st Instant wth the Information of Laurence Claesen the Indian Interpreter Imparting that the French had lately sent considerable presents to some of the five Nations, and settling some people among 'em to Learn their Language w^{ch} its conceived are measures taken to alienate the five Nations from us.

Whereupon his Excellency communicated a Message he has Writ to the Assembly upon that affair.

Ordered, that the Secery lay the same before the Assembly wth y^e papers relating thereto.

Doctor Staats for Cap^t Walter Reported from the Committee to whom was Committed the Bill Entitled, An Act Declaring John Sloss free from the Duty of Tonnage, That they have Gone through the same w^{thout} any amendment.

Order'd, y^t the Bill be read the Third Time

Then the Said Bill was read a Third Time and pass'd without Amendment.

Order'd, that Dr Staats do acquaint the Assembly that this Board do agree to the Said Bill w^{thout} any Amendm^t.

The Bill Entituled, An Act for the Enabling the Major and Aldermen of y^e City of New York to hold plea of Forreign Attachm^t, was Read the Second Time and Committed to the Gentl of this Board or any five of them.

The Bill Entituled, An Act for Encouraging Navigation, was Read y^e Second Time and Committed to the Gentlemen of this Board or any five of them.

The Bill Entituled, An Act for Building a County house and prison in Dutchess County within this Colony was read the Second time and Committed to the Gentlemen of this Board or any five of them.

At a Council held at Fort George in New York, the 14th of June, 1715.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll DEPEYSTER,
Doctor STAATS,
RIP VAN DAM,

M^r BARBERIE,
M^r PHILLIPSE,
M^r BYERLEY.

The Bill Entituled, An Act to Enable Sarah Crego the Wid^w of Richard Crego late of the City of New York Marriner Deceased to Sell a Lott of Land in the Said City, was read the first time and

Ordered to be read a Second time.

The Bill Entituled, An Act Declaring that all P^{ersons} of Forreign Birth heretofore Inhabiting within this Colony, and Dying Seized of any Lands Tenem^{ts} or hereditam^{ts}, Shall be for ever hereafter deemed taken and Esteemed to have been naturalized, and for naturalizing all Protestants of Forreign Birth now Inhabiting wthin this Colony, was [read] the first Time and

Ordered to be read a Second Time

At a Council held at Fort George in New York, the 15th June, 1715.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll DEPEYSTER,
Doctor STAATS,
M^r VAN DAM,

M^r BARBERIE,
M^r BIERLEY.

The Bill Entituled, An Act to Enable Sarah Crego the Widow of Richard Crego late of the City of New York Marriner Deced to Sell a Lott of Land in the Said City was Read the Second time and Committed to the Gentlemen of this Board or any five of them.

The Bill Entituled, An Act Declaring that all P^{ersons} of Forreign Birth heretofore Inhabitants within this Colony and Dying Seized of any Lands Tenem^{ts} or Hereditam^{ts} shall be for Ever hereafter Deemed taken and Esteemed to have been Naturaliz'd, and for Naturalizing all Protestants of Foreign Birth now Inhabiting within this Colony, was Read the Second Time, and Committed to y^e Gentlemen of this Board or any five of them.

His Excellency took Notice that yesterday it was mentioned by Dr Staats that he had made three Several promises for the passing this Bill, and lest it Should be thought that those promises were made absolutly by his Excellency and had been by him broken, he told them that the promises were made upon these Conditions—That the Assembly should Give an honourable Support of Governm^t and not a Scanty one, for one year, That they should pay the Debt arising to his Excellency, neither of which have been Done; The Support of Government being Scanty and but for a year and the Bill for payment of y^e Debts being Clogg'd wth a Clause w^{ch} prevents for the p^{resent} y^e paym^t of y^t Debt, and leaves it yet Doubtfull whether ever t^lwill be paid, so that those Conditions being not yet P^{er}form'd no breach of promise can be objected.

At a Council held at Fort George in New York, the 17th Day of June, 1715.

PRESENT—

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll DEPEYSTER,
Doctor STAATS,
M^r VAN DAM,

M^r BARBERIE,
M^r BIERLEY.

M^r Barberie for M^r Phillipse Reported from the Committee to whom was Committed the Bill Entituled, An Act for Encouraging Navigation, That they have gone through the Same and made Some Amendments therein, which were Read and Agreed to by y^e Board.

Ordered, that the Said Bill with the Amendments be read the Third Time.

Then the Said Bill was read the third time and pass'd wth y^e Amendm^{ts}.

Ordered, That M^r Barberie do Carry the Said Bill to the Assembly and Acquaint them that this Board do agree to the Said Bill wth Some Amendm^{ts} to w^{ch} they Desire the Concurrence of that House

The Bill Entituled, An Act for Discharging of Cap^t Peter Vanbrugh and Hendrick Hansen Esq^r of the City of Albany for and concerning the provisions, ammunitions and other States of War formerly in their hands belonging to this Colony, was Read the first Time and

Ordered to be read a Second Time.

M^r Bierley Reported from the Committee to whom was Committed the Bill Entituled, An Act Declaring that all P^{ersons} of Forreign Birth heretofore Inhabiting within this Colony and Dying Seized of any Lands Tenem^{ts} or hereditam^{ts} should be for ever hereafter Deemed taken and Esteemed to have been Naturalized and for Naturalizing all Protestants of Forreign Birth now Inhabiting within this Colony, That they have Gone through the Same without any Amendment.

Order'd, That y^e Said Bill be read the Third Time

That the Said Bill was Read y^e Third Time and pass'd without Amendment

Order'd, That M^r Bierley do Acquaint the Assembly that this Board do agree to the Said Bill without any Amendment.

Coll DePeyster Reported from the Committee to whom was Committed the Bill Entituled, An Act for the Enabling the Major and Aldermen of the City of New York to hold plea of Forreign Attachment, That they have Gone through the Same without Any Amendment

Order'd, that the Said Bill be read y^e third time

Then the Said Bill was Read the Third Time and pass'd without Any Amendment.

Order'd, Coll DePeyster do Acquaint y^e Assembly that this Board do agree to the Said Bill w^{thout} Any Amendm^t.

Doctor Staats Reported from the Committee to whom Committed the Bill Entituled, An Act for Building a County house and prison in Dutchess County within this Colony, That they have Gone through the Same without any Amendment

Order'd, That the Said Bill be Read y^e third time.

Then the Said Bill was Read the Third Time and pass'd w^{thout} Any Amendment

Order'd, That D^r Staats do Acquaint the Assembly that this Board do agree to the Said Bill without any Amendm^t

M^r Barberie Reported from the Committee to whom was Committed the Bill Entituled, An Act to Enable Sarah Crego the Wid^w of Richard Crego late of the City of New York Marriⁿ Deced to Sell a Lott of Land in the Said City, That they have Gone through the Same without any amendm^t

Order'd, That the Said Bill be read the third Time

Then the Said Bill was Read the third Time and pass'd without Amendment.

Order'd, That M^r Barberie do Acquaint y^e Assembly that this Board do's agree to y^e Said Bill without any amendm^t.

At a Council held at Fort George in New York, y^e 20th June, 1715.

PRESENT—

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll DEPEYSTER,
D^r STAATS,
M^r VAN DAM,

M^r BARBERIE,
M^r BIERLEY.

The Bill Entituled, An Act for Continuing An Act of General Assembly Entituled, An Act for appointing Commissioner to lett to Harb the Excise throughout this Colony, was Read the first time and

Ordered to be read a Second time.

M^r Phillipse took his place

The Bill Entituled, An Act to Enable Annetie Van Sluys Widow and Exec^x of Laurence Zacharias Van Sluys, late of the City of New York Decēd, to dispose of a House Lott of Ground in Wall Street wthin the Said City was Read y^e first time and

Ordered to be read a Second time.

The Bill Entituled, An Act for Discharging of Cap^t Peter Van Brugh and Hendrick Hansen Esq^r of the City of Albany for and concerning y^e provisions, Ammunitions and other Stores of War formerly in their hands belonging to this Colony, was Read y^e Second time and Committed to y^e Gentlemen of this Board or any five of them

At a Council held at Fort George in New York, the 22nd of June, 1715.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll DEPEYSTER,

Mr VAN DAM,

Mr BARBERIE,

Mr PHILLIPSE,

Mr BIERLEY.

A Message from the Assembly that they have pass'd a Bill Entituled, An Act for Repairing the County House and Prison in the County of Ulster, which Bill was Read the first time and

Ordered to be Read a Second Time.

The Bill Entituled, An Act for Continuing An Act of General Assembly Entituled, An Act for appointing Commissioners to Lett to Farm the Excise throughout this Colony was Read the Second time and Committed to y^e Gentlemen of this Board or any five of them

The Bill Entituled, An Act to Enable Annetie Van Sluys Wid^w and Exec^x of Laurence Zacharias Van Sluys late of the City of New York Decēd to Sell and Dispose of a House and Lott of Ground in Wall Street within the Said City, was Read the Second time and Committed to the Gentlemen of this Board or any Five of them

His Excellency Communicated to this Board a Letter from the Commissioners of the Indian Affairs of the 15th Instant wth the Minutes of the Meeting of that Board of y^e 14th Instant Relating to the French who were Going to Settle amongst our Indians.

Ordered, that the Secretary lay the same before the Assembly.

At a Council held at Fort George in New York, y^e 23rd of June, 1715.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll DEPEYSTER,

Doctor STAATS,

Coll BEEKMAN,

Mr VAN DAM,

Mr BIERLEY.

His Excellency Communicated to this Board a Letter he Recēd from the Gover^r & Council of South Carolina Representing y^e Deplorable Condition of that place being Attacked by the Indians and Desiring Assistance. Whereupon it's

Ordered, that the Said Letter be communicated to the Assembly which the Secretary is hereby ordered to lay before them

The Bill Entituled, An Act for Repairing the County house and prison in the County of Ulster, was Read the Second Time and Committed to the Gentlemen of this Board or any five of them

At a Council held at Fort George in New York, the 30th June, 1715.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Doctor STAATS,

Coll BEEKMAN,

Mr BARBERIE,

Mr PHILLIPSE,

Mr BIERLEY.

Mr Bierley Reported from the Committee to whom was Committed the Bill Entituled, An Act for Continuing An Act of Gen^l Assembly Entituled, An Act for appointing Comm^{rs} to Lett to farm the Excise throughout this Colony, That they have Gone through the Same without Any Amendment.

Ordered, that the Bill be read a Third time.

Then the said Bill was Read the third Time and pass'd without amendm^t.

Ordered, that Mr Bierley do Acquaint y^e Assembly that this Board do agree to the said Bill without any amendment.

Mr Barberie for Mr Van Dam Reported from the Committee to whom was Committed the Bill Entitled, An Act for Discharging of Cap^t Peter Van Brugh and Hendrick Hansen Esq^r of the City of Albany for and concerning the provisions, ammunitions and other Stores of War formerly in their Hands belonging to this Colony, That they have gone through the Same without any Amendment.

Ordered, That the said Bill be read a third time.

Then the said Bill was Read the third Time and pass'd without any amendm^t.

Ordered, That Mr Barberie do Acquaint the Assembly that this Board do agree to the said Bill without any Amendm^t.

Mr Bierley Reported from the Committee to whom was Committed the Bill Entitled, An Act for repairing the County house and prison in the County of Ulster, That they have Gone through the same and made some amendments thereto which were Read and agreed to by the Board.

Ordered, That the s^d Bill wth y^e Amendm^{ts} be read a third Time.

Then the s^d Bill was Read a third time & pass'd with the Amendments.

Ordered, That Mr Bierley do carry the s^d Bill to the Assembly and Acquaint them that this Board do agree to y^e same wth some Amendments to which they Desire the concurrence of that House.

Coll Depeyster and Mr Van Dam took their places at y^e Board.

The Bill Entitled, An Act for Reviving An Act Entitled, An Act for the better Settling the Militia of this province and making it more usefull for the Security and Defence thereof and for Repealing all former Acts heretofore made in this province relating to the same, was presented to the Board and read the first time and

Ordered to be read a Second time.

The said Bill was read the Second time and Committed to the Gentlemen of this Board or any five of them.

At a Council held at Fort George in New York, the 1st of July, 1715.

At 4 in the Afternoon.

PRESENT—

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll DEPEYSTER,
Doctor STAATS,
Cap^t WALTER,

Mr PHILLIPSE,
Mr BIERLEY.

A Message from the Assembly by Cap^t Stilwell with the Bill Entitled, An Act for Repairing the County house & prison in y^e County of Ulster, acquainting this Board y^t that house do agree to the Amendm^{ts} made by this Board to the said Bill.

Cap^t Walter Reported from the Committee to whom was Committed the Bill Entitled, An Act for Reviving An Act Entitled, An Act for the better Settling the Militia of this province and making it more usefull for the security & Defence thereof and for repealing all former Acts heretofore made in this province relating to the same, That they had Gone through the said Bill without any amendments.

Ordered, That the said Bill be read the third time.

Then the said Bill was read a third Time & pass'd without any amendm^t.

Ordered, That Cap^t Walter do acquaint y^e Assembly that this Board have pass'd the said Bill to which they Desire y^e Concurrence of that House.

At a Council held at Fort George in New York, the 4th of July, 1715.

PRESENT—

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll DEPEYSTER,
Doctor STAATS,
Cap^t WALTER,

Mr PHILLIPSE,
Mr BIERLEY.

His Excellency Communicated to this Board a Message from the Assembly by Mr Reade That that House do agree to the amendm^{ts} made by the Council to y^e Bill Entitled, An Act for the Encouraging Navigation.

An Act Entitled, An Act for the Destroying of Wolves in the County of Orange being sent by the Assembly to the Council for their Concurrence was Read y^e first time &

Order'd, to be Read a second time.

*At a Council held at Fort George in New York, y^e 4th July, 1715,
At 4 in y^e Afternoon.*

PRESENT—

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll DEPEYSTER,
Doctor STAATS,
Cap^t WALTER,

Mr VAN DAM,
Mr BARBERIE,
Mr BIERLEY.

The Bill Entituled, An Act for a supply to be Granted to his Majestie for supporting his Governm^t in the province of New York and for striking Bills of Credit for that purpose, sent from the Assembly to this Board was Read the first time and

Ordered, to be Read a second time.

The Bill Entituled, An Act for laying a Duty on Goods sold by Auction, Vendue or Outery was Read y^e first time and

Ordered to be read a Second time.

The said Bill Entituled, An Act for a supply to be Granted to his Majestie for supporting his Governm^t in the province of New York and for striking Bills of Credit for that purpose, was Read the second Time and Committed to the Gentl of this Board or any five of them

The Bill Entituled, An Act for laying a Duty on Goods sold [by] Auction, Vendue or Outery was read the second time & committed to the Gentlemen of this Board or any five of them.

At a Council held at Fort George in New York, the 5th July, 1715.

PRESENT—

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll DEPEYSTER,
Doctor STAATS,
Cap^t WALTER,
RIP VAN DAM,

Mr BARBERIE,
Mr PHILLIPSE,
Mr BIERLEY.

Mr Bierley Reported from the Committee to whom was Committed the Bill Entituled, An Act for a supply to be Granted to his Majestie for supporting his Governm^t in the province of New York and for striking Bills of Credit for that purpose, That they have Gone through the same without any amendment.

Ordered, that y^e said Bill be read the third Time

Then the said Bill was Read the third Time

Resolved, the said Bill do pass

Ordered, that Mr Bierley do acquaint y^e Assembly that this Board do agree to the said Bill wthout any amendment.

Coll Depeyster Reported from y^e Committee to whom was Committed the Bill Entituled, An Act for Laying a Duty on Goods sold by Auction, Vendue or Outery That they have Gone through the same without any amendm^t.

Ordered, That the said Bill be read a Third time.

Then the said Bill was Read the third Time and pass'd.

Ordered, That Coll Depeyster do acquaint y^e Assembly that this Board do agree to y^e said Bill without any amendment.

A Message from the Assembly by Mr Lakerman to acquaint this Board That that House do agree to the Bill Entituled, An Act for Reviving An Act Entituled, An Act for the better settling the Militia of this province and making it more usefull for the security and Defence thereof & for Repealing all former Acts heretofore made in this province relating to the same.

The Secretary being sent to Require the attendance of the Assembly His Excellency gave his assent to y^e following Bills viz^t

A Bill Entituled, An Act for a Supply to be Granted to his Majestie for supporting his Governm^t in the province of New York and for striking Bills of Credit for that purpose.

A Bill Entituled, An Act Declaring that all P^{ersons} of Forreign Birth heretofore Inhabiting within this Colony and Dying Seized of any Lands, Tenements or Hereditaments shall be forever hereafter Deemed taken and Esteemed to have been naturalized and for naturalizing all Protestants of Forreign Birth now Inhabiting within this Colony.

A Bill Entituled, An Act for Laying a Duty on Goods sold by Auction, Vendue or Outery

A Bill Entituled, An Act for Encouraging Navigation.

A Bill Entituled, An Act for Reviving An Act Entituled, An Act for the better Settling the Militia of this province and making it more usefull for the security and Defence thereof and for Repealing all former Acts heretofore made in this province relating to the same

At a Council held at Fort George in New York, the 7th of July, 1715.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll DEPEYSTER,
Doctor STAATS,
Cap^t WALTER,
Coll BECKMAN,

M^r VAN DAM,
M^r BARBARIE,
M^r PHILLIPSE.

The Bill Entituled, An Act for appointing An Agent and Directing the Treasurer of this Colony to pay the sum of five Hundred ounces of plate yearly to John Champantie Agent to negotiate the affairs of this Colony at the Court of Great Britain, was Read the first time and

Ordered, to be Read a second time.

The Bill Entituled, An Act for the better repairing the fortifications of Schenectady, in the County of Albany & providing their Military Watch with fire wood, was Read the first time and

Ordered to be Read a second time

The Bill Entituled, An Act for Reviving and Continuing An Act Entituled, An Act to p^rvent the running away of Negro Slaves out of the City and County of Albany to the French at Canada, was read the first time and

Ordered to be Read a second time

The Bill Entituled, An Act for Annulling and making void a fraudulent Conveyance of Mary Davenport made by her while she was sole by the name of Mary Miseroel to one James Brown, of certain Lands Goods and Chattles lately belonging to John Miseroel her former Husband Deced^d, was Read the first time and

Ordered to be read a second time

The Bill Entituled, An Act to Exempt Hannah Martin, Doctor Christian Cooper and M^r George Smith from payment of the Tax for Twelve Negro's Imported from South Carolina, was Read the first time and

Ordered to be Read a second time.

M^r Bierley took his place

The Bill Entituled, An Act for the Destroying of Wolves in the County of Orange was read the second time and Committed to the Gentlemen of this Board or any five of them

The Treasurer Delivered to this Board a Resolve of the Assembly of yesterday in these words viz^t

The House being informed that some disputes and differences had arose on the Landing of some Wine & Rum

It is the opinion of this House that the Treasurer of this Colony may Give on the Landing Wine and Rum the usual Liberties and allowances formerly Given by the Receiver General so that he take care the Dutys arising thereupon be truly and boná fide paid or secured to be paid According to y^e true intent & meaning of the Act By Vertue of which the s^d Dutys are made payable, and pray'd the opinion of this Board thereon.

Resolved, that this Board do agree wth the house in opinion as is before mentioned

The Bill Entituled, An Act for appointing an Agent and Directing the Treasurer of this Colony to pay The sum of Five hundred ounces of plate yearly to John Champanty Agent to negotiate the Affairs of this Colony at the Court of Great Britain, was Read the second time and Committed to the Gentlemen of this Board or any five of them

The Bill Entituled, An Act for the better Repairing the Fortifications of Schenectady in the County of Albany & providing them (wth) Military Watch with firewood, was read the Second Time and Committed to the Gentlemen of this Board or any five of them.

The Bill Entituled, An Act for Reviving and continuing An Act Entituled, An Act to prevent the Running away of Negro Slaves out of the City and County of Albany to the french at Canada, was Read a Second Time and Committed to the Gentl of this Board or any five of them.

The Bill Entituled, An Act for annulling and making void a Fraudulent conveyance of Mary Davenport made by her while she was sole by the name of Mary Miseroel to one James Brown of certain Lands Goods and Chattles lately belonging to John Miseroel her former Husband Deceased, was Read the Second Time and Committed to the Gentlemen of this Board or any five of them.

The Bill Entituled, An Act to Exempt Hannah Martin Doctor Christian Cooper and M^r George Smith from payment of the Tax for Twelve Negro's Imported from South Carolina, was Read a Second Time and Committed to the Gentlemen of the Council or any five of them.

The Bid Entituled, An Act to oblige the Inhabitants of each particular ward within the City of New York to make good their respective Quota's of all Publick Taxes, was Read the first Time and

Ordered to be read a Second Time

Then the said Bill was read the Second time and committed to the Gentlemen of this Board or any five of them

At a Council held at Fort George in New York, the 13th of July, 1715.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

COLL DEPEYSTER,
Doctor STAATS,
Cap^t WALTER,
M^r VAN DAM,

M^r BARBERIE,
M^r PHILLIPSE,
M^r BIERLEY.

The Bill Entituled, An Act to Relieve Robert Lurting Vendue Ma^r of the province of New York from Divers penalties in a certain Act of General Assembly made in the Twelfth year of her late Majesty Entituled, An Act for Laying a Duty on Goods sold by publick Vendue or Outcry pass'd by the Assembly and sent up for the concurrence of this Board, was Read the first time and

Ordered to be read a second time.

Samuel Staats Esq^r Reported from the Committee to whom was Committed the Bill Entituled, An Act for appointing an agent and Directing the Treasurer of this Colony to pay the sum of Five Hundred ounces of plate yearly to John Champantie Agent to Negotiate the Affairs of this Colony at the Court of Great Britian, That they have Gone through the same without any amendment.

Ordered, the said Bill be recommitted to the Gentl of this Board or any five of them.

John Barberie Esq^r Reported from the Committee to whom was committed the Bill Entituled, An Act for the Destroying of Wolves in the County of Orange, That they have Gone through the said Bill without any Amendment.

Ordered, the said Bill be read the third time.

Then the said Bill was read the third time and pass'd without any Amendment.

Adolph Phillipse Esq^r Chairman of the Committee to whom was Committed the Bill Entituled, An Act for Reviving and Continuing An Act Entituled, An Act to p^rvent the Running away of Negro Slaves out of the City and County of Albany to the French at Canada, Reported from the said Committee, that they had gone through the said Bill without any amendment.

Ordered, that the said Bill be read a Third Time.

Then the said Bill was read the Third time and pass'd without any Amendment.

Ordered, that M^r Phillipse do acquaint the Assembly that this Board do agree to the said Bill without any Amendm^t

Robert Walter Esq^r Chairman of the Committee to whom was Committed the Bill Entituled, An Act for the better repairing the fortifications of Schenectady in the County of Albany and providing their Military Watch with fire wood Reported from the said Committee, That they have Gone through the said Bill without any Amendment

Ordered, the said Bill be read a third Time

Then the said Bill was read a Third Time and pass'd without any Amendment.

Ordered, that Cap^t Walter do Acquaint the Assembly that this Board do agree to the said Bill without any Amendm^t

Adolph Phillipse Esq^r Chairman of the Committee to whom was Committed the Bill Entituled, An Act to oblige the Inhabitants of each particular Ward within the City of New York to make good their respective Quota's of all publick Taxes Reported, that they have Gone through the said Bill without any Amendm^t

Ordered, the said Bill be read the Third Time.

Then the said Bill was read the third time and pass'd without any Amendment.

Ordered, that M^r Phillipse do acquaint the Assembly that this Board do agree to the said Bill without any Amendm^t.

Abraham Depeyster Esq^r Chairman of the Committee to whom was Committed the Bill Entituled, An Act to Exempt Hannah Martin, D^r Christian Cooper and M^r Geo. Smith from payment of the Tax for Twelve Negro's imported from South Carolina, Reported from said Committee, that they had Gone through the said Bill and have made an Amendm^t thereto which w^s read and agreed to by this Board.

Ordered, the said Bill be read a Third Time with the said Amendment.

Then the said Bill was Read the third time and pass'd with the Amendment

Ordered, that Coll Depeyster do carry the said Bill with the Amendment to the Assembly and acquaint them that this Board do agree to the said Bill with an Amendment to which they Desire the concurrence of that House.

Adolph Phillipse Esq^r for Gerrardin Beekman Esq^r Chairman of the Committee to whom was Committed y^e Bill Entituled, An Act to Enable Annietie Van Shuys wid^e and Executrix of Lawrence Zacharias Van Shuys late of the City of New York Deed to Sell and Dispose of a House and Lott of Ground in Wall Street within the said City Reported, that they have examined into the matters in the said Bill and have heard the several parties thereon and are humbly of opinion that the said Bill do Lye on the Table

Which Report is agreed to by the Board.

Ordered, the said Bill do Lye on the Table

Abraham Depeyster Esq^r Chairman of y^e Committee to whom was Committed the Bill Entituled, An Act for Annulling and making void a fraudulent conveyance of Mary Davenport made by her while she was sole by the name of Mary Miseroel to one James Browne of certain Lands Goods and Chattles lately belonging to John Miseroel her former husband Deced, Reported from the said Committee, that they have Examined into the matter of the said Bill and have fully heard y^e parties concern'd and their Council, and are humbly of opinion that the said Bill be Rejected or Lye upon the Table.

Ordered, the said Bill do Lye upon the Table

The Bill Entituled, An Act to Relieve Rob^t Lurting Vendue Ma^r of the province of New York from Divers penalties in a certain Act of General Assembly made in the Twelfth year of her late Majestie Entituled, An Act for laying a Duty on Goods sold by publick Vendue or Outcry, was Read a Second Time and Committed to the Gentlemen of this Board or any five of them

At a Council held at Fort George in New York, the 13th day of July, 1715.

At 2 of the clock in the afternoon.

PRESENT — His Excellency and Gentlemen of y^e Council as in the Morning.

Samuel Staats Esq^r Chairman of the Committee to whom was Recommitted the Bill Entituled, An Act for Appointing an Agent and Directing the Treasurer of this Colony to pay the sum of five Hundred ounces of plate yearly to John Champante Agent to Negotiate the Affairs of this Colony at the Court of Great Britain Reported from the said Committee, that they have gone through the said Bill and have made an Amendment thereto w^{ch} was read and agreed to by y^e Board.

Ordered, the said Bill with the Amendment be read the third time

Then the said Bill with the Amendment was read the third time and past with the said Amendment.

Ordered, that D^r Staats do carry the said Bill with the Amendm^t to the Assembly and acquaint them that this Board do agree to the said Bill with an Amendm^t to which they Desire the Concnrence of that House.

Adolph Phillipse Esq^r Chairman of the Committee to whom was Committed the Bill Entituled, An Act to Relieve Robert Lurting Vendue Ma^r of the province of New York from Divers penalties in a certain Act of General Assembly made in the Twelfth year of her late Majestie Entituled, An Act for Laying a Duty on Goods sold by publick Vendue or Outcry, Reported from the said Committee, that they had Gone through the said Bill without any Amendment.

Ordered, the said Bill be read a Third Time

Then the said Bill was read a third Time and pass'd without any Amendment.

Ordered, that M^r Phillipse do acquaint the Assembly that this Board do agree to y^e s^d Bill without any Amendm^t

At a Councill held at Fort George in New York, y^e 15th of July, 1715.

PRESENT — His Excellency ROBERT HUNTER, Esq^r, &c.,

Col DEPEYSTER,
Doctor STAATS,
M^r VAN DAM,

M^r BARBERIE,
M^r PHILLIPSE,
M^r BIERLEY.

A Message from the Assembly that they have agreed to the Amendments made by this Board to the Bill Entituled, An Act to Exempt Hannah Martin, Doctor Christian Cooper and M^r George Smith from payment of the Tax for Twelve Negro's Imported from South Carolina

A Message from the Assembly that they have agreed to the Amendm^t made by this Board to the Bill Entituled, An Act for appointing an Agent and Directing the Treasurer of this Colony to pay the sume of Five Hundred ounces of plate yearly to John Champantee Agent to negotiate the affairs of this Colony at the Court of Great Britain.

The Bill Entituled, An Act for the better Repairing the flortifications of the City of Albany providing their Military Watch wth fire-wood and Discharging of other the publick and necessary charges of the Said City Sent from the Assembly was Read the first time and

Order'd to be read a Second time

The Bill Entitled, An Act for Relieving the Inhabitants of South Carolina from the Duties laid and paid in this Colony of New York for Such Goods Slaves and Merchandizes as they shall Import into this Colony during the Time of Six Months, Sent from y^e Assembly was read the first time and

Orderd to be read a Second time

At a Council held at Fort George in New York, the 19th of July, 1715.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Doctor STAATS,
Cap^t WALTER,
M^r VAN DAM,

M^r BARBERIE,
M^r BIERLEY.

The Bill Entitled, An Act for the better Repairing the fortifications of the City of Albany providing their Military Watch wth firewood and Discharging of other the publick and necessary charges of the Said City, was read the Second time and Committed to the Gentlemen of this Board or any five of them

The Bill Entitled, An Act for Relieving the Inhabitants of South Carolina from the Dutys laid and paid in this Colony of New York for Such Goods Slaves and Merchandizes as they Shall Import into this Colony during the Time of Six Months, was read the Second Time and committed to the Gentlemen of this Board or any Five of them

At a Council held at Fort George in New York, the 20th of July, 1715.

PRESENT —

His Excellency ROB^t HUNTER, Esq^r, &c.,

Coll DEPEYSTER,
Doctor STAATS,
M^r VAN DAM,

M^r PHILLIPSE,
M^r BIERLEY.

M^r Van Dam for Cap^t Walter Reported from the Committee to whom was Committed the Bill Entitled, An Act for the better Repairing the fortifications of the City of Albany providing their Military Watch with firewood, and Discharging of other the publick and necessary charges of the Said City, that they have gone through the Same without any Amendm^t

Ordered, that the Said Bill be read the Third Time

Then the said Bill was Read the Third Time and pass'd without Any Amendment.

Ordered, that M^r Van Dam do Acquaint y^e Assembly that this Board do Agree to the Said Bill without Any Amendm^t

M^r Bierley Reported from the Committee to whom was Committed the Bill Entitled, An Act for Relieving the Inhabitants of South Carolina from the Duties Laid and paid in this Colony of New York for Such Goods Slaves and Merchandizes as they Shall Import into this Colony during the time of Six Months, that they have Gone through the Same without Any Amendment.

Ordered, that the Said Bill be read y^e third time.

Then the Said Bill was read a third time & pass'd w^{thout} Amendm^t

Ordered, that M^r Bierley do Acquaint the Assembly that this Board do Agree to y^e Said Bill w^{thout} Any Amendment.

The Bill Entitled, An Act Continuing An Act Entitled, An Act for the Easier partition of Lands in Joyntenancy or in Common Sent from the Assembly was read the first time and

Order'd to be read a Second time

Then the said Bill was read the second time and Committed to the Gentlemen of this Board or any five of them

The Bill Entitled, An Act for the Treasurer's paying several P^{ersons} therein named, and for paying the Excise in arrear to the Treas^r sent from y^e Assembly was Read the first Time and

Order'd to be read y^e second time

Then the said Bill was read the second time & Comitted to the Gentlemen of this Board or any five of them

At a Council held at Fort George the 21st day of July, 1715.

PRESENT—

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll DEPEYSTER,
Doctor STAATS,
Cap^t WALTER,
Coll BECKMAN,

Mr BARBERIE,
Mr PHILLIPSE,
Mr BIERLEY.

Mr Phillipse Reported from the Committee to whom was Committed the Bill Entitled, An Act Continuing An Act for the Easier partition of Lands in Jonytenancy (*sic*) or in Common, That they have gone through the same without any amendment

Ordered, that y^e s^d Bill be read the Third time

Then the said Bill was read the Third time and pass'd without any amendment

Ordered, that Mr Phillipse do acquaint the Assembly that this Board do agree to the said Bill wthout any amendment

Cap^t Walter Reported from the Committee to whom was Committed the Bill Entitled, An Act for the Treasurer's paying several persons therein named and for paying the Excise in Arrear to the Treasurer, That they have gone through the same wthout any amendm^t

Ordered, that the said Bill be read the Third time.

Then the said Bill was Read the third Time and pass'd wthout any amendm^t.

Ordered, that Cap^t Walter do acquaint the Assembly that this Board do agree to the said Bill without amendment

The Secretary being sent to the Assembly to require their attendance here, and they being come His Excellency gave his Assent to the following Bills Viz^t

An Act for Building a County house and prison in Dutchess County within this Colony

An Act to Enable Sarah Crego the Wid^w of Richard Crego late of the City of New York Mariner Deceased to sell a Lott of Land in the said City.

An Act for Discharging Cap^t Peter Van Brugh and Hendrick Hansen Esq^r of the City of Albany for and Concerning the provisions, amunitions and other stores of War formerly in their hands belonging to this Colony.

An Act for repairing the County house and prison in the County of Ulster.

An Act for Continuing An Act of General Assembly Entitled, An Act for appointing Comissioners to Lett to farm the Excise throughout this Colony.

An Act for declaring John Sloss free from the Duty of Tonnage.

An Act to Exempt Hannah Martin, Doctor Christian Cooper and Mr George Smith from payment of the Tax for twelve Negro's Imported from South Carolina.

An Act to Relieve Robert Lurting Vendue Master of the province of New York from Divers penalties in a certain Act of General Assembly made in the Twelfth year of her late Majestie Entitled, An Act for laying a Duty on Goods sold by publick Vendue or Outery.

An Act to oblige the Inhabitants of each particular Ward within the City of New York to make good their respective Quota's of all publick Taxes

An Act for the Destroying of Wolves in the County of Orange

An Act for the better repairing the fortifications of Schenectady in the County of Albany and providing their Military Watch with firewood.

An Act for Reviving and Continuing An Act Entitled, An Act to prevent the Runing away of Negro Slaves out of the City and County of Albany to the French at Canada

An Act for the appointing an Agent and Directing the Treasurer of this Colony to pay the Sum of Five Hundred ounces of plate yearly to John Champante Agent to negotiate the affairs of this Colony at the Court of Great Britain.

An Act Continuing An Act Entitled, An Act for the Easier partition of Lands in Joynt Tenancy or in Common.

An Act for the Treasurer's paying Several persons therein named and for paying the Excise in Arrear to y^e Treasurer.

An Act for relieving the Inhabitants of South Carolina from the Duties Laid and paid in this Colony of New York for such Goods Slaves and Merchandizes as they shall Import into this Colony during the Time of Six months

An Act for the better repairing the flortifications of the City of Albany providing their Military Watch with firewood and Discharging of other the publick and necessary charges of the said City

[IN EXECUTIVE SESSION.]

11th of August, 1715.

His Excellency Told this Board that it is the opinion of the Attorney General that the Assembly is Dissolved by the Letters patents now Granted to the Governour for the Governmt of this province, The Assembly being called by Vertue of the Letters patents Granted by her late Majestie, and those letters patents being determined by these Granted by his Majestie and this Board Concurring in y^e same opinion. It is

Ordered, that to obviate all scruples and objections a Proclamation Issue reciting the Determinacōn of the last patent by the present one declaring y^e Assembly to be DISSOLVED and Signifying y^t a New one will be called as soon as may be.

SEVENTEENTH ASSEMBLY FIRST SESSIONS.

At a Council held at ffort George in New York, y^e 5th day of June, 1716.

PRESENT —

His Excell ROBERT HUNTER, Esq^r, &c.,

Coll D'PEYSTER,
Cap^t WALTER,
Coll BEEKMAN,
M^r VAN DAM,

M^r BARBERIE,
M^r PHILLIPSE,
M^r BYERLEY,
M^r CLARKE.

The Assembly being mett according to his Excell^{ty}s adjournment to this Day, his Excell^{ty} sent the Deputy Sectary to Require their Attendance at the Council Chamber Imediatley and two and twenty of the members of the said Assembly being Come they Severally took the oaths appointed instead of the Oaths of Allegiance & Supreannacey and the abjuration Oaths and made & subscribed y^e Test, after which his Excell^{ty} Recommended to them to Returne to their own house and choose a Speaker.

The Assembly being Returned, Declared they had Unanimously Chosen Will^m Nicolls Esq^r their Speaker who they presented to his Excell^{ty} of which Chose his Excell^{ty} approved

And then the Speaker on the behalf of the Assembly desired of his Excell^{ty} the Same priviledg for the members of the Assembly

After which his Excell^{ty} made the following Speech to them viz^t

Gentlemen,

Were there no reason for our meeting at this time then y^t we may together rejoyce for y^e Successes wth w^{ch} it has pleas'd the Almighty to bless his Maties Councils & arms over y^e Crafty Devices of his natural Enemies & Desperate Attempts of his unnatur^l Subjects I think y^t is Sufficient; for, is there a man who has y^e least Concern for humane nature itself, who is not fill'd wth Joy to find y^e essential difference betwixt y^t & y^e Subordinate Species of Animals refix'd & maintained, w^{ch} must have been entirely cancel'd by y^t sort of power w^{ch} alone could have given Success to & have Supported y^e Canse of a popish Pretender; for my own part I own I have ever thought y^t a Man & his Beast have at best equal shares in y^e benefit of Such a Governm^t; I know I speak to a set of men, who Joyn wth me in these thoughts; and to do Justice to those whom you represent, I firmly believe, y^t his Matie in y^e wide extent of his Dominions has not a province where fewer look a squint on his rightful title & Righteous Cause; for I think not one has ventur'd to speak. I would not have you misconstrue what I am about to say, as if I was sounding an alarm in y^e middle of a profound peace; far be y^t thought from me. Yo^r future Security is all my aim. The late insidious treaties of peace & Commerce (the best authority on earth has call'd them so) had left it too much in y^e power of those whom I can hardly forbear to call still our Enemies to annoy us on this side, when they shall find themselves inclin'd to interpret those treaties in favour of a groundless Rupture. The vast preparations in flrance for Settlements behind you along y^e Mesapi with the Neighbourhood of a very considerable Garison & Seaport nt Cape Breton as they may let you into Some of their views in making y^t pence (for tw'n's they y^t unde it) so they Justifie my apprehensions and I hope will be Sufficient to Induce you to put yo^r selves into a better State of Defence ag^t y^e evil day [to] Come. The strength of this flort is very little proportion'd to it's use, w^{ch} I take to be not only y^e Security of this province but in a great measure that of this Continent. The flort at Albany is next to none at all, and will Signifie little ag^t any but Indian enemies, and upon y^t you well know, depends intirely y^e Safety of yo^r flronteers & remote Settlements. I have not been wanting in due representations elsewhere in this matter, and have accounts y^t y^e L^{ds} of Trade have been pleas'd to second them wth their advice to his Matie for an Augmentation of y^e troops here, of w^{ch} I hope we shall speedily have a favourable account. I hope you will not be wanting on yo^r part, now y^t the Burthensome Expense of y^e fruitless expeditions is in a great measure over, and y^e subject here is less loaded wth publick taxes than any of their Neighbours I shall be ready to Confer with and advice you about w^t is necessary to be done in that matter.

A former Assembly merited and received y^e Blessings of many Suffering flamilies by y^e paym^t of y^e publick Debts, if by neglect or otherwise any Just Claimants have been disappointed, I hope you'll share these blessings, in providing for y^e satisfaccōn of all such just claims.

I have detain'd you too long; what besides may occur to me, w^{ch} ought to fall under yo^r deliberations, I shall communicate to you hereafter. I need not tell you y^t the season of year requires Dispatch,

RO; HUNTER

And the Speaker Disireing a Copy thereof, his Excell^{ty} Delivered them a Copy thereof.

Att a Council held at ffort George in New York, the 6th day of June, 1716.

At one a Clock in the Afternoone.

PRESENT —

His Excell ROBERT HUNTER, Esq^r, &c.,

Coll D'PEYSTER,
Cap^t WALTER,
Coll BEEKMAN,

Mr VAN DAM,
Mr BYERLEY,
Mr CLARK.

A Message from the Assembly desiring to Know if this Board will join with the Assembly in an Address to his Majesty on the happy successes of his Armes in suppressing the late Rebellion in Great Britain.

Ordered, that Mr Clarke acquaint the Assembly that this Board will join with that House in an Address to his Majesty on the happy success of his Arms in suppressing the late Rebellion in Great Britain and that they will meet a committee of the Assembly for that purpose at Mr Braziers at four a clock this afternoon if the Assembly think fit to appoint their committee.

Ordered, the Gentⁿ of this Board or any five of them be a committee for the purpose.

At a Council held at ffort George in New York, the 28th (sic) day of June, 1716.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll D'PEYSTER,
Cap^t WALTER,
Coll BEEKMAN,

Mr VAN DAM,
Mr BYERLEY,
Mr CLARKE.

A Message from the Assembly that they have pass'd a Bill Intituled, An Act for the Returning of able and sufficient Jurors on Tryals at Law sent up to this Board for their concurrence.

Ordered, the said Bill be read

Then the said Bill was read y^e first Time and

Ordered, to be Read a second time.

A Message from the Assembly that they have passed a Bill Intituled, An Act for Reviving An Act, Intituled, An Act for y^e encouragement of Whaling

Which Bill was read the first Time and

Ordered to be read a second time

Mr Barberie took his place at y^e Board.

Mr Phillipse took his place y^e Board.

Ordered, that it be referred to the Gentl of this Board or any five of them To draw and bring into this Board a Bill for y^e Better settling the Militia of this province.

At a Council held at ffort George in New York, the 27th day of June, 1716.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll D'PEYSTER,
Cap^t WALTER,
Coll BEEKMAN,
Mr VAN DAM,

Mr BARBERIE,
Mr PHILLIPSE,
Mr BYERLEY,
Mr CLARKE.

The Bill Intituled, An Act for y^e Returneing of able and sufficient Jurors at Tryal at Law was Read the second time and committed to the Gentlemen of this Board or any five of them.

The Bill Intituled, An Act for Reviving An Act Entituled, An Act for the Encouragement of Whaling was Read the second time and committed to the Gentlemen of the Council or any five of them

A B ll was presented to this Board Entituled, An Act Reviveing An Act Entituled, An Act for the Better Seetleing the Militia of this province and makeing it more usefull for the security and Defence thereof and for Repealing all former Acts heretofore made in this province Relateing to the same.

Which Bill was Read the first Time and

Ordered to be Read a second Time

Then the said Bill was Read a second time and Committed to the Gentleman (sic) of this Board or any five of them

At a Council held at ffort George in New York, y^e 29 Day June, 1716.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll D PEYSTER,
Coll BEEKMAN,
M^r PHILLIPSE,

M^r BYERLEY,
M^r CLARKE.

Garardus Beekman Esq^r Reported from the Committee to whom was Committed An Act for Returneing of able and sufficient Jurers on Tryales at Law that they have Gone through the said Bill & have made an amendment thereto, w^{ch} was Read and agreed to by the Board.

Ordered, that the said Bill be read the Third Time and pass'd wth the amendment.

Then the said Bill was Read the Third Time and pass'd with the amendment.

Ordered, That Coll Beekman do carry the said Bill to y^e Assembly and acquaint them that this Board do agree to the said Bill with an amendm^t to w^{ch} they desire the Concurrence of that House.

George Clarke Esq^r Reported from the Committee to whom was comitted the Bill Entituled, An Act for reviving An Act Intituled, An Act for y^e Encouragement of Whaling, That they have Gone through y^e s^d Bill & have made an amendm^t thereto, w^{ch} was read & agreed to by this Board

Ordered, that the said Bill wth the amendment be Read the Third time

Then the said Bill was Read y^e Third Time and pass'd wth the amendment

Ordered, that M^r Clarke Do Carry the s^d Bill to y^e Assembly and acquaint them that this Board Do agree to y^e s^d Bill wth an amendm^t to w^{ch} they Desire the Concurrence of that House.

M^r Phillipse for M^r Barberie Reported from the Committee to whom was Committed the Bill Intituled, An Act for Reviving An Act Intituled, An Act for the better settling the Militia of this province and making it more usefull for the security and D-fence thereof and for Repealing all former Acts heretofore made in this province relating to y^e same; That they have Gone through the said Bill and have made some amendm^{ts} thereto w^{ch} were read and agreed to by the said Board.

Ordered, The said Bill with the amendments be Ingrossed.

The Ingrossed Bill Intituled, An Act for Reviving An Act Intituled, An Act for the better settling y^e militia of this province and making it more usefull for y^e security and Defence thereof and for Repealing all former Acts heretofore made in this province Relating to y^e same, was Read and agreed to by y^e Board.

Resolved, the said Bill do pass.

Ordered, that M^r Clarke do Carry y^e s^d Bill to the Assembly for their Concurrence.

Cap^t Walter took his place at y^e Board.

A Message from y^e Assembly That that House have pass'd a Bill Intituled, An Act to prevent The selling and Giving of Rum or other Strong Liquors to the Indians To w^{ch} they Desire the Concurrence of this Board.

Which Bill was read y^e first Time and

Ordered to be read a 2nd time.

A Message from the Assembly That that House have pass'd a Bill Intituled, An Act for preserving Deere in y^e County of Ulster and Reviving An Act for y^e preservation of Deere to w^{ch} they Desire the Concurrence of this Board.

Which Bill was Read the first time and

Ordered to be read a Second time

At a Councill held at ffort George in New York, y^e 29th day of June, 1716,

In the Afternoon.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll D'PEYSTER,
Coll BEEKMAN,
M^r BARBERIE,

M^r BYERLEY,
M^r CLARKE.

The Bill Intituled, An Act to prevent y^e Selling & Giving of Rum or other Strong Liquors to y^e Indians was read y^e Second Time and committed to y^e Gentlemen of this Board or any five of them

The Bill Intituled, An Act for preserving Deere in y^e County of Ulster, and Reviving An Act for y^e preservation of Deere was read y^e Second Time & Committed to y^e Gent of this Board or any five of 'em.

A Message from the Assembly That that House have pass'd a Bill Intituled, An Act for y^e Building and Erecting two Wooden houses or sheds for the accomodation of y^e Indians Trading at Albany and keeping them in Good repair w^{ch} Bill was read y^e first Time and

Ordered to be read a Second time

A Message from the Assembly by Coll Rutsen and Maj^r Hicks to acquaint this Board That y^e house by reason of y^e present harvest and y^e season of y^e year are Inclined to adjourn themselves till y^e 17th of Septem^r next if y^e same may be suitable to his Excellency's affairs

The Bill Intituled, An Act for y^e Building and Erecting Two Wooden houses or Sheds for y^e accomodation of the Indians Trading at Albany and keeping them in Good repair was read y^e Second time and Committed to y^e Gentlemen of this Board or any five of them.

At a Council held at ffort George in New York, y^e 30th of June, 1716.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll D'PEYSTER,
Coll BECKMAN,
M^r VAN DAM,
M^r BARBERIE,

M^r PHILLIPSE,
M^r BYERLEY,
M^r CLARKE.

M^r Phillipse Reported from the Committee to whom was Committed the Bill Intituled, An Act to prevent y^e Selling and Giving of Rum or other Strong Liquor to the Indians That they have Gone through y^e same w^{thout} any Amendm^t

Ordered, the s^d Bill be read y^e Third Time.

Then y^e s^d Bill was read y^e Third Time & pass'd w^{thout} any Amendm^t.

Ordered, that M^r Phillipse do acquaint y^e Assembly y^t this Board do agree to y^e said Bill w^{thout} any Amendment

M^r Phillipse Reported from y^e Committee to whom was Committed the Bill Intituled, An Act for preserving Deere in y^e County of Ulster and reviving An Act for y^e preservation of Deere That they have Gone through y^e same without any Amendment

Ordered, the said Bill be read the Third Time.

Then the said Bill was read y^e Third Time & pass'd w^{thout} any Amendm^t

Ordered, that M^r Phillipse do acquaint the Assembly y^t this Board do agree to y^e said Bill w^{thout} any Amendm^t

Coll Beckman Reported from y^e Committee to whom was Committed the Bill Intituled, An Act for y^e Building and Erecting Two wooden houses or sheds for y^e accomodation of The Indians Trading at Albany and keeping them in Good repair, That they have Gone through y^e same w^{thout} any Amendm^t

Ordered, the said Bill be read y^e Third Time

Then the said Bill was read y^e Third Time and passed without any amendment

Ordered, that Coll Beckman do acquaint y^e Assembly that this Board do agree to y^e said Bill without any amendment

A Message from the Assembly by Alderman Kipp That he return to this Board the Bill Intituled, An Act for Reviving An Act Intituled, An Act for y^e Encouragem^t of Whaling wth y^e Amendment and to acquaint this Board, That that house do agree to y^e Amendment made by this Board to y^e s^d Bill

A Message from y^e Assembly by Cap^t Garret Van Horne That he return to this Board the Bill Intituled, An Act for reviving An Act Intituled, An Act for y^e better settling y^e Militia of this province and making it more usefull for y^e security & Defence thereof and for repealing all former Acts heretofore made in this province relating to y^e same And y^t he acquaint this Board, That that House do agree to y^e s^d Bill without any amendment.

His Excellency having sent y^e Deputy Secretary to y^e Assembly to require their attendance in y^e Council Chamber Immediatly and they being come his Excell^y Gave his Assent to y^e following Bills Enacting y^e same and ordered them to be Enrolled viz^t

1. An Act for y^e reviving An Act Intituled, An Act for y^e Encouragem^t of Whaling
2. An Act for reviving An Act Intituled, An Act for y^e settling y^e Militia of this province & making it more usefull for y^e security & defence thereof and for repealing all former Acts heretofore made in this province relating to y^e same
3. An Act for y^e p^rserving of Deere in y^e County of Ulster & reviving An Act for y^e preservation of Deere
4. An Act to prevent y^e selling or Giving of Rum or other strong liquors to y^e Indians.
5. An Act for y^e Building & Erecting two wooden houses or sheds for y^e accomodation of y^e Indians Trading at Albany and keeping them in good repair.

SEVENTEENTH ASSEMBLY SECOND SESSIONS

At a Council held at ffort George in New York, August y^e 21st, 1716.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Cap^t WALTER,
Coll BEEKMAN,
M^r VAN DAM,
M^r BARBERIE,

M^r PHILLIPSE,
M^r BYERLEY,
D^r JOHNSTON.

The Bill Intituled, An Act for Destroying of Wolves & ffoxes in the County of Westchester pass'd by the Assembly and sent up to this Board for their concurrence was read the first Time and

Ordered to be read a second time.

The Bill Intituled, An Act for Discharging Coll Killian Van Renselaer, Major Dirick Wessels and Meyndert Schuyler Esq^r of the City of Albany for and concerning the provisions, ammunitions and other stores of War formerly in their hands belonging to this Colony pass'd by the Assembly and sent to this Board for their Concurrence, was read y^e first time, and

Ordered to be read a second time

The Bill Intituled, An Act for y^e better repairing y^e flortifications of the City of Albany and providing their Watches with firewood pass'd by the Assembly and sent up to this Board for their concurrence was Read the first time and

Ordered to be read a second time

The Bill Intituled, An Act for nominating Comm^{rs} to flarm the Excise throughout this Colony pass'd by the Assembly and sent up to this Board for their concurrence, was Read y^e first time and

Ordered to be read a second Time.

The Messenger of the Council acquainted his Exc^{lly} that the Assembly were Attending and Desired admission to offer somthing to his Excellency, and they being called in,

The Speaker of the Assembly presented an Address to his Excellency from the General Assembly setting forth

That y^e Assembly being Deeply Sensible of y^e Great Hurt Damage and Inconvenience M^r Sam^l Mulford a member of that House Suffers & undergoes by occasion of a prosecution against him in the Supream Court for printing and publishing a Speech formerly made by him in Assembly, Are humbly Suitors to his Excellency to Give Orders That M^r Mulford in regard of his Great age, Distance of his Habitation from this Citty and other Considerations may be ficed and Discharged from the Said prosecution in the Supream Court

Whereto his Excellency made the following Answers viz^t

Although the Gentleman named in the Address lay under a prosecution, not for a Speech made in their House But for publishing & Dispersing a false and Malitious Libel against the Govern^{mt} (for So it was Termed by the House of Representatives) tending to alienate the Affections of the Subjects from the Government & raising Groundless Jelowsies in the minds of the people and Indeed it had in some measure had that effect. Yet to show them what regard he had and ever should have to any applications made to him by that House, So Soon as M^r Mulford should apply to him in a Dutifull manner for what was Desired, for as yet he had apply'd in no manner at all, he would Comply wth what they had Desired of him, and without that he believ'd that ne'r'e a one of them Could Expect it.

At a Council held at ffort George in New York, y^e 22nd of Aug^t, 1716.

PRESENT —

His Excellency ROB^t HUNTER, Esq^r, &c.,

Cap^t WALTER,
Coll BEEKMAN,
M^r PHILLIPSE,

M^r BYERLEY,
M^r CLARKE,
D^r JOHNSTON.

The Bill Intituled, An Act Nominating Commissioners to flarm the Excise thro' this Colony was read the Second time and committed to the Gentlemen of this Board or any five of them

The Bill Intituled, An Act for the better repairing the flortifications of y^e City of Albany and providing their Military Watches wth firewood was read y^e Second time and Committed to the Gentlemen of this Board or any five of 'em

The Bill Intituled, An Act for Discharging Coll Killian Van Renslaer, Major Dirick Wessells and Meyndert Schuyler Esq^r of the City of Albany for and Concerning the provisions, ammunitions

and other Stores of War formerly in their hands belonging to this Colony, was read the Second Time and Committed to the Gentlemen of this Board or any five of them

The Bill Intituled, An Act for Destroying Wolves and foxes in the County of Westchester was read y^e Second time and Committed to y^e Gentlemen of this Board or any five of them

At a Council held at Fort George in New York, August y^e 24th, 1716.

PRESENT —

His Excellency ROB^t HUNTER, Esq^r, &c.,

Col D'PEYSTER,
Cap^t WALTER,
Col BEEKMAN,

Mr BARBERIE,
Mr BYERLEY,
Mr CLARKE.

Robert Walter Esq^r Chairman of y^e Committee to whom was committed the Bill Intituled, An Act for the better repairing the fortifications of the City of Albany and providing their Military Watches with firewood Reported from y^e s^d Committee that they have Gone through the s^d Bill without any amendm^t

Ordered, the said Bill be read the third time

Then the said Bill was read the third time and agreed to without any Amendment.

Ordered, that Cap^t Walter do Acquaint y^e Assembly y^t this Board do agree to the said Bill without any Amendment.

Dr Johnston took his place at y^e Board.

Jerrard Beckman Esq^r Reported from the Committee to whom was Committed the Bill Intituled, An Act for Destroying Wolves and foxes in the County of Westchester, that they have gone through the same without any Amendment

Ordered, the said Bill be read the Third Time

Then the said Bill was read the Third Time and agreed to without any Amendment

Ordered, that Coll Beckman do Acquaint the Assembly that this Board do agree to the s^d Bill without any Amendment.

Mr Barberie Esq^r reported from the Committee to whom was Committed the Bill Intituled, An Act for Discharging Coll Killian Van Renslaer, Major Drick Wessells and Meyndert Schuyler Esq^r of y^e City of Albany for and concerning the provisions, Ammunitions and other Stores of War formerly in their hands belonging to this Colony. That they have Gone through y^e s^d Bill without any Amendm^t

Ordered, the said Bill be read y^e third Time

Then the said Bill was read the third time and agreed to without any Amendm^t

Ordered, that Mr Barberie do acquaint the Assembly that this Board do agree to y^e s^d Bill without any Amendment

The Bill Intituled, An Act for Regulating the fees to be taken by the Justices of the peace and officers under them Authorized to hear and Determin causes and matters of Debt and Trespass to the Value of forty Shillings and under, pass'd by the Assembly and sent unto this Board for their Concurrence was read the first time and

Ordered to be read a second time.

The Bill Intituled, An Act for paying Johannes Jansen, David Provoost and Leonard Lewis Esq^s the arrears due to them for their Services in the General Assembly as Representatives for the City and County of New York pass'd by the Assembly and sent up to this Board for their Concurrence, was read the first time and

Ordered to be read a second time.

The Bill Intituled, An Act for allowance to y^e Representatives of this Colony pass'd by the Assembly and sent up to this Board for their Concurrence was read y^e first time and

Ordered to be read a Second time

At a Council held at ffort George in New York, Aug^t y^e 28th, 1716.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll D'PEYSTER,
Cap^t WALTER,
Mr VAN DAM,
Mr BARBERIE;

Mr PHILLIPSE,
Mr BYERLEY,
Mr CLARKE,
Dr JOHNSTON.

The Bill Intituled, An Act for Regulating y^e fees to be taken by the Justices of y^e peace and officers under them authorized to hear and Determin Causes and matters of Debt and Treusspass to the Value of forty Shillings and under, was read the Second Time and Committed to y^e Gent of this Board or any five of them.

The Bill Intituled, An Act for the allowance to the Representatives of this Colony, was read the Second time and Committed to y^e Gent of this Board or any ffive of them.

The Bill Entituled, An Act for paying Johannes Jansen, David Provoost and Leonard Lewis Esq^s y^e arrears due to them for their Services in the General Assembly as the Representatives for the City and County of New York, was Read the Second time and Committed to the Gentlemen of this Board or any ffive of them

Ordered, that M^r Clarke Desire the Assembly to appoint a Committee of their House to meet a Committee of this Board Tomorrow at six a clock in the Afternoon at y^e house of M^r Brasier to Confer about a Method to advance y^e Excise of this province.

Ordered, that y^e Gentlemen of this Board or any ffive of them be a Committee for that purpose

At a Council held at ffort George in New York, the 30th of August, 1716.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Col D'PEYSTER,
Cap^t WALTER,
Coll BECKMAN,
M^r VAN DAM,
M^r BARBERIE,

M^r PHILLIPSE,
M^r BYERLEY,
M^r CLARKE,
D^r JOHNSTON.

The Bill Intituled, An Act for y^e Treasurers paying to his Excellency One Thousand and Twenty ffive Ounces of silver plate sent from the Assembly to this Board for their concurrence, was read the first Time and

Ordered to be read a second time

Coll Depeyster Reported from y^e Committee appointed to Conferr wth a Cōmittee of y^e Assembly abo^t a Method to advance y^e Excise, that they met and had several Debates thereon but came to no resolution to alter the present method

The Bill Intituled, An Act for y^e Treasurers paying to his Excellency One Thousand and Twenty ffive ounces of silver plate, was read the Second Time and committed to y^e Gentlemen of this Board or any ffive of them.

The Bill Intituled, An Act for appointing an Agent for this Colony at the Court of Great Britain and raising of money Annually to Defray the Charge thereof In the Room of John Champante Esq^r Decēd sent from y^e Assembly to this Board for their Concurrence, was Read the first time and

Ordered to be read a second time.

Then the said Bill was Read the second time and Committed to y^e Gentlemen of this Board or any ffive of them

At a Council held at ffort George in New York, Aug^t y^e 31st, 1716.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll D'PEYSTER,
Cap^t WALTER,
M^r BARBERIE,

M^r PHILLIPSE,
M^r BYERLEY,
M^r CLARKE.

Cap^t Walter Reported from the Committee to whom was Committed the Bill Intituled, An Act appointing An Agent for this Colony at the Court of Great Britain and raising y^e money Annually to Defray the charge thereof in the Room of John Champante Esq^r Decēd, That they have Gone through the same without any Amendment.

Ordered, that y^e s^d Bill be read the third Time

Then y^e s^d Bill was read the third Time

Resolved, the Bill Do pass.

Ordered, that Cap^t Walter do acquaint the Assembly that this Board do agree to the said Bill w^{thout} any Amendment

Rob^t Walter Esq^r Reported from the Committee to whom was Committed y^e Bill Intituled, An Act for the Treasurers paying to his Excellency One Thousand and Twenty ffive ounces of plate, That they have Gone through y^e same without any Amendment

Ordered, that the said Bill be read y^e Third time

Then the said Bill was read y^e Third time

Resolved, the said Bill do pass

Ordered, that Cap^t Walter do acquaint y^e Assembly that this Board do agree to y^e s^d Bill w^{thout} any amendm^t

At a Council held at ffort George in New York, Aug^t y^e 31st, 1716.

PRESENT —

His Excellency ROB^t HUNTER, Esq^r, &c.,

Coll D'PEYSTER,
Cap^t WALTER,
M^r VAN DAM,

M^r BARBERIE,
M^r PHILLIPSE,
M^r CLARKE.

Coll D'peyster Reported from y^e Committee to whom was Committed the Bill Intituled, An Act nominating Comm^{rs} to flarin y^e Excise thro' y^e Colony That they have Gone through y^e same and made some amendm^{ts} thereto, w^{ch} were read & agreed to

Ordered, that the said Bill with y^e amendments be read the third time

Resolved, that the Bill wth the amendm^{ts} do pass.

Ordered, that Coll D'peyster do Carry the said Bill wth y^e amendm^{ts} to the Assembly and acquaint them that this Board do agree to the same wth some amendments to which they Desire y^e Concurrence of that House.

The Bill Intituled, An Act to oblige Vessells Trading into this Colony Except such as are therein Excepted to pay a Certain Duty and for the further Explanation and rendring more Effectual Certain Clauses in An Act of General Assembly of this Colony Entituled, An Act by which a Duty is laid on Negros and other Slaves Imported into this Colony, sent from the Assembly to this Board for their Concurrence, was Read the first Time and

Ordered, to be read a Second Time.

The Bill Intituled, An Act to repeal part of An Act of General Assembly Intituled, An Act to prevent the selling or Giving of Rum or other Strong Liquors to the Indians sent from the Assembly to this Board for their Concurrence, was read the first Time and

Ordered to be read a second Time

The Bill Intituled, An Act to oblige Vessels Trading into this Colony Except such as are therein Excepted to pay a Certain Duty and for the further Explanation and rendring more effectual Certain Clauses in An Act of General Assembly of this Colony Entituled, An Act by which a Duty is laid on Negros and other Slaves Imported into this Colony, was Read the second time and Committed to the Gentlemen of this Board or any flive of them

At a Council held at ffort George in New York, Septem^r y^e 1st, 1716.

PRESENT —

His Excellency ROB^t HUNTER, Esq^r, &c.,

Coll D'PEYSTER,
Cap^t WALTER,
Coll BEEKMAN,
M^r BARBERIE,

M^r PHILLIPSE,
M^r BYERLEY,
M^r CLARKE,
D^r JOHNSTON.

M^r Phillipse Reported from the Committee to whom was Committed the Bill Intituled, An Act to Oblige Vessels Trading into this Colony Except such as are therein Excepted to pay a Certain Duty and for the further explanation and rendring more effectual Certain Clauses in An Act of General Assembly of this Colony Intituled, An Act by which a Duty is laid on Negros and other Slaves Imported into this Colony, That they have Gone through the same and made an amendment thereto w^{ch} was read and Disagreed to

Ordered, that the Bill be read a third time without any amendment.

Then the said Bill was Read y^e third time

Resolved, that the Bill do pass without any amendment.

Ordered, that M^r Phillipse do acquaint the Assembly that this Board do agree to the said Bill without any amendment.

A Message from the Assembly that they agree to the amendments made by this Board to the Bill Entituled, An Act nominating Commissioners to flarin the Excise through the Colony.

His Excellency sent the Scery to y^e Assembly to require their attendance in the Council Chamber who being come, He gave his Assent to y^e following Bills viz^t.

An Act for Destroying Wolves and flfoxes in the County of West-Chester

An Act for Discharging Coll Killian Van Renslaer, Major Dirick Wessells and Meyndert Schmyler Esq^r of the City of Albany for and concerning the provisions, amunitions and other stores of War formerly in their hands belonging to this Colony.

An Act for the Treärs paying to his Excellency One Thousand and Twenty flive Ounces of Silver plate.

An Act appointing An Agent for this Colony at the Court of Great Britain and raising of Money Annually to Defray the charge thereof in the room of John Champante Esq^r Dece'd

An Act to Oblige Vessels Trading into this Colony Except such as are therein Excepted to pay a certain Duty and for the further Explanation and rendering more effectual Certain Clauses in An Act of General Assembly of this Colony Intituled, An Act by which a Duty is laid on Negros and other Slaves Imported into this Colony

An Act nominating Com^{rs} to Let to farm the Excise through the Colony.

SEVENTEENTH ASSEMBLY THIRD SESSIONS

At a Council held at ffort George in New York, 25th day of Aprill, 1717.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll D'PEYSTER,
M^r BARBERIE,
M^r PHILLIPSE,

M^r BYERLEY,
M^r CLARK.

The Bill Intituled, An Act to prohibitt the Exportaion of Raw Hides from this Colony past by the Assembly and sent up to this Board for their Concurrence, was Read the first time and

Ordered to be Read a second time

At a Council held at ffort George in New York, the 29th day of April, 1717.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll D'PEYSTER,
Cap^t WALTER,
M^r PHILLIPSE,

M^r BYERLEY,
D^r JOHNSTON.

The Bill Intituled, An Act to Enable the Mayor Aldermen and Commonalty of the City of New York to Raise the Sūme of five Hundred pounds for altering the course of the Common Sewer at the End of the Broad Street and for cleansing and scouring the Doek of the City, passed by the Assembly and sent up to this Board for their Concurrence, was Read the first time and

Ordered to be Read a second time.

At a Council held at ffort George in New York the 1st day of May, 1717.

PRESENT —

His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll D'PEYSTER,
Cap^t WALTER,
Coll BEEKMAN,
M^r VAN DAM,

M^r PHILLIPSE,
M^r BYERLEY,
Doctor JOHNSTON.

The Bill Intituled, An Act for laying a Duty on Goods sold by Auction or Out cry passed by the Assembly and sent up to this Board for their Concurrence, was Read the first time and

Ordered to be Read a second time

The Bill Intituled, An Act to prohibitt the Exportation of Raw Hides from this Colony, was Read the second time and Committed to the Gentlemen of this Board or any five of them

The Bill Intituled, An Act to Enable the Mayor Aldermen and Comonality of the City of New York to Raise to sūme of five Hundred pounds for Altering the Course of the Common Sewer at the End of the Broad street and for cleanseing and scouring the Dock of this city, was read the Second time and committed to the Gentlemen of this Board or any five of them

The Bill Intituled, An Act for Laying a Duty on Goods sold by Auction or Out cry, was Read the second time and committed to the Gentlemen of this Board or any five of them

At a Council held at ffort George in New York, the 9th day of May, 1717.

PRESENT — His Excell^y ROBERT HUNTER, Esq^r, &c.,

Coll D'PEYSTER,
Cap^t WALTER,
Coll BEERMAN,

Mr PHILLIPSE,
Mr BYERLEY,
Doctor JOHNSTON.

Abraham D'Peyster Esq^r Reported from the Cōmittee to whom was cōmitted the Bill Entituled, An Act for Laying a Duty on Goods sold by Auction, Vendue or Out cry, that they have Gone through the same without any amendment

Ordered, the said Bill be Read the Third time

Then the said Bill was Read the Third time and past without any amendment.

Ordered, that Coll D'peyster acquaint the Assembly that this Board Doe agree to the said Bill without any amendment

Mr Van Dam and Mr Barberie took their places at the Board

Abraham D'peyster Esq^r Reported from the committee to whom was committed the Bill Intituled, An Act to Enable the Mayor, Aldermen and Commonalty of the City of New York to Raise the sūme of flive Hundred pounds for Altering the Course of the Cōmon Sewer at the End of the Broad street and for cleansing and scowering the Dock of this City, That they have Gone through the said Bill and have made some amendments thereto which he Delivered to the Board and was Read and agreed to by the Board

Ordered, the said Bill with the amendments be Read the third time.

Then the said Bill was Read the third time and passed with the said Amendments

Ordered, that Coll D'peyster Doe Carry the said Bill with the Amendments to the Assembly and acquaint them that this Board doe agree to the said Bill with some amendments, To which they Desire the Concurrence of that House

The Bill Intituled, An Act for the Restraining the takeing of Extravagant and Excessive Usury, passed by the Assembly and sent up to this Board for their Concurrence, was Read the first time and

Ordered to be Read a second time

At a Council held at ffort George in New York the 11th day of May, 1717.

PRESENT — His Excellency ROBERT HUNTER, Esq^r, &c.,

Coll D'PEYSTER,
Cap^t WALTER,
Coll BEEKMAN,
Mr VAN DAM,

Mr BARBERIE,
Mr PHILLIPSE,
Mr BYERLEY,
Doctor JOHNSTON.

The Bill Entituled, An Act for the Restraineing the takeing of Extravagant and Excessive Usury was Read the Second time and Committed to the Gentlemen of this Board or any flive of them

Coll D'peyster producing to this Board an Order of the Generall Assembly of the Seaventh of May Instant appointing a Committee of that House to Examine the payments made by the Treasurer of this Colony according to An Act of Generall Assembly for the paying and Dischargeing the Severall Debts and Sūmes of money claimed as Debts of this Colony &c whereupon It is

Ordered, that the Gentlemen of this Board or any flive of them be and are hereby likewise appointed a Committee to Examine the payments made by the said Treasurer according to the aforesaid Act and that the said Committee meet at the House of Coll D'peyster for that purpose, on 'Tuesday next at two a Clock in the affternoone; It is also

Ordered, that Mr Wileman the Deputy Clerk of this Board Do Acquaint the Assembly therewith and to Desire them if they think fitt to appoint the said Committee of that house to Joyne the said Committee of this Board at the same time to Examine the said Treasurers accounts as aforesaid

At a Council held at ffort George in New York, the ffourteenth day of May, 1717.

PRESENT —

His Excell^y ROBERT HUNTER, Esq^r, &c.,

Coll D'PEYSTER,
Cap^t WALTER,
M^r BARBERIE,
M^r PHILLIPSE,

M^r BYERLEY,
M^r CLARKE,
Doctor JOHNSTON.

A Message from the Assembly by Alderman Jansen Returning to this Board the Bill Entitled, An Act to Enable the Mayor Aldermen and Commonality of the City of New York to Raise the Sūme of five Hundred pounds for Altering the course of the Common Sewer at the End of the Broad street and for Cleanseing and Scowering the Dock of this City, and Acquainting this Board that that house do agree to the Amendment made by this Board to the Said Bill

The Bill Entitled, An Act to Enable Mary the Widdow and Execentrix of John Corbett Deceased to Convey and Assure a certaine Dwelling and Tenement and the Ground thereunto belouging scituate and being on the West side of the Broad Street in the City of New York passed by the Assembly and sent up to this Board for their Concurrence, was Read the first time and

Ordered to be read a Second time.

The Bill Entitled, An Act Declareing a Sloop belonging to M^r Jacob Moene free from Tonnage, sent by the Assembly to this Board for their Concurrence was Read the first time and

Ordered, to be read a Second time.

His Excellency haveing sent the Secretary to the Assembly to Require their attendance Immediately at the Councill Room and they being come, his Excellency gave his assent to the following Bills Enacting the same and ordered them to be Enrolled viz^t

An Act for Laying a Duty upon Goods sold by Auction, Vendue or Out Cry

An Act to Enable the Mayor Aldermen and Commonality of the City of New York to Raise the Sūme of five Hundred pounds for Altering the Course of the Common Sewer at the End of the Broad Street and for cleanseing and scowering the Dock of this City.

At a Council held at ffort George in New York, the 16th day of May, 1717.

PRESENT —

His Excell^y ROBERT HUNTER, Esq^r, &c.,

Cap^t WALTER,
M^r VAN DAM,
M^r BARBERIE,

M^r PHILLIPSE,
M^r BYERLEY,
M^r CLARKE.

M^r Byerley Reported from the Committee to whom was Committed the Bill Entitled, An Act for Restraining the taking Extravagant and Excessive Usury, that they have Gone through the same without any Amendment

Ordered, the said Bill to be Read the third time

Then the said Bill was Read the third time.

Resolved, that the said Bill Do pass without any Amendment.

M^r Phillipse Desired his Dissent to it may be Entred

Coll D'Peyster took his place

The Bill Entitled, An Act Declareing a Sloop belonging to Jacob Moene free from Tonnage was Read the second time and Committed to the Gentlemen of this Board or any five of them.

The Bill Entitled, An Act Declaring a Sloop called *The Good Intent* Built at New port in Rhode Island Belonging to Messieurs Benjamin flanevevill, Thomas Bayeux and Andrew flresnean and David Minvielle free from the Duty of Tonnage, was Read the second time and Committed to the Gentlemen of this Board or any five of them.

The Bill Entitled, An Act to Enable Mary the Widow & Executrix of John Corbet Deceased to Convey and Assure a certain Dwelling House and Tenement and the Ground thereunto Belonging scituate and being on the West side of the Broad Street in the City of New York, was Read the second time and Committed to the Gentlemen of this Board or any five of them.

Ordered, that publick Notice be Given to the Respective Counties that the said Bill is past the Councill Assembly but that to prevent the Inhabitants of the province from falling under the penalties thro' Inadvertency, his Excellency Defers the publication of it till the begining of July.*

* This Order appears to have Reference to the Act against Usury, passed this day, and assented to 27 May 1717. See *post*, p. 411.

At a Council held at ffort George in New York, the 21 day of May, 1717.

PRESENT—

His Excell^y ROBERT HUNTER, Esq^r, &c.,

Coll D'PEYSTER,
Cap^t WALTER,
Coll BECKMAN,

Mr BARBERIE,
Mr BYERLEY,

The Bill Intituled, An Act for Building a County house and prison in Dutches County passed by the Assembly and sent up to this Board for their Concurrence was Read a first time and
Ordered to be read a second time

At a Council held at ffort George in New York, the 23^d of May, 1717.

PRESENT—

His Excell^y ROBERT HUNTER, Esq^r, &c.,

Coll D'PEYSTER,
Coll BECKMAN,
Mr BARBERIE,

Mr BYERLEY,
Mr CLARKE,
Dr JOHNSTON.

Mr Clarke presented to this Board a Bill Entituled, An Act Reviving An Act Entituled, An Act for the better settling the Militia of this province and making it more usefull for the security and Defence thereof and for Repealing all former acts heretofore made in this province Relating to the same.

Ordered, that the said Bill be Read the first time

Then the said Bill was Read the first time and

Ordered, to be Read a second time

Mr Van Dam took his place

The Bill Entituled, An Act for an allowance to the Representative of the Township of Schonectady in the County of Albany sent from the Assembly to this Board for their Concurrence was Read the first time and

Ordered, to be Read a second time

The Bill Entituled, An Act for annexing that part of the Mannar of Livingston which now lyes in Dutches County unto the County of Albany sent by the Assembly to this Board for their Concurrence was Read the first time and

Ordered, to be Read a second time.

Coll Beckman Reported from the Committee to whom was Committed the Bill Entituled, An Act Declaring a sloop belonging to Mr Jacob Moene free from Tonnage, that they have Gone through the same and made an amendment thereto which was Read and agreed to by the Board

Ordered, that the said Bill be Read a third time with the amendment

Then the said Bill was read a third time with the amendment

Resolved, that the said Bill with the amendment Do pass.

Ordered, that Coll Beckman Doe Carry the said Bill with the amendment to the Assembly and acquaint them that this Board Do agree to the said Bill with an amendment to which they Desire the Concurrence of that House.

Coll Beckman Reported from the Committee to whom was Committed the Bill Entituled, An Act to Enable Mary the Widdow and Executrix of John Corbet Deceased to Convey and assure a Certain Tenement & Dwelling House and y^e Ground thereunto belonging seitate and being on the West side of the Broad Street in the City of New York, that they have Gone through the same without any amendm^t

Ordered, that the said Bill be Read the third time

Then the said Bill was Read the third time without any amendment

Ordered, that Coll Beckman do acquaint the Assembly that this Board Do Agree to the said Bill without any amendment

Mr Barberie Reported from the Committee to whom was Committed the Bill Entituled, An Act Declaring a sloop called *the Good Intent* Built at New port in Rhode Island belonging to Mess^{rs} Benjamin flannevil, Tho^s Bayeux, Andrew fiesnean and David Miniviell free from the Duty of Tonnage, that they have Gone through the same without any amendment.

Then an amendment was proposed by Mr Clarke to be made to the said Bill which was agreed to by this Board and is as follows viz^t At the End of the Bill Incert these words [During such time only as property of the said Sloop Doth or shall actually and bona fide belong to the Inhabitants of this province.

Ordered, that the said Bill be Read a third time with that amendment.

Then the said Bill was Read the third time and past with the said amendment.

Ordered, that Mr Barberie Do Carry the said Bill to the Assembly and acquaint them that this Board Do agree to the said Bill with an amendment to Which they desire the Concurrence of that House.

The Bill Entituled, An Act for Building a Connty House and prison in Dutches County was Read the Second time and Committed to the Gentlemen of this Board or any five of them.

The Bill Entituled, An Act for Exempting the pink *Charlott* from paying the Duty of Tonnage sent by the Assembly to this Board for their Concurrence, was Read the first time and

Ordered to be Read a Second time

The Bill Entituled, An Act Reviving An Act Entituled, An Act for Encouraging the Indian Trade at Albany, sent by the Assembly to this Board for their Concurrence was Read the first time and

Ordered to be Read a Second time

The Bill Entituled, An Act Reviving An Act Entituled, An Act for the better Settling the Militia of this province and making it more usefull for the security and Defence thereof and for Repealing all former Acts heretofore made in this province Relating to the same, was Read the Second time and Committed to the Gentlemen of this Board or any five of them

The Bill Entituled, An Act for an Allowance to the Representative of the Township of Schoarectady in the County of Albany, was Read the Second time and Comitted to the Gentlem^m of the Comcill or any five of them

The Bill Entituled, An Act for Annexing that part of the Mannor of Livingston which now Lyes in Dutches County unto the Connty of Albany was Read the Second time and Committed to the Gentlemen of this Board or any five of them

The Bill Entituled, An Act for Exempting the pink *Charlott* from paying the Duty of Tonnage was Read the Second time and Committed to the Gentlemen of this Board or any five of them

The Bill Entituled, An Act Reviving the Act Entituled, An Act for Encouraging the Indian Trade, was Read a Second time and Committed to the Gentlemen of this Board or any five of them.

At a Council held at ffort George in New York, the 23 day of May, 1717, att noon.

PRESENT —

His Excell^{ty} ROB^t HUNTER, Esq^r, &c.,

Col D'PEYSTER,
Coll BEEKMAN,
M^r VAN DAM,
M^r BARBERIE,

M^r BYERLEY,
M^r CLARKE,
D^r JOHNSTON.

M^r Barberie Reported from the Cōmittee to whom was Committed the Bill Entituled, An Act Reviving An Act Entituled, An Act for the better settling the Militia of this province and making it the more usefull for the security and Defence thereof and for Repealing all former Acts heretofore made in this province Relateing to the same, without any Amendment.

Then the said Bill was read the third time and past

Ordered, that M^r Barberie do carry the said Bill to the Assembly and Desire their Concurrence thereto

At a Council held at ffort George in New York, the 24th day of May, 1717.

PRESENT —

His Excell^{ty} ROB^t HUNTER, Esq^r, &c.,

Coll D'PEYSTER,
Cap^t WALTER,
Coll BEEKMAN,
M^r BARBERIE,

M^r PHILLIPSE,
M^r BYERLEY,
M^r CLARKE,
D^r JOHNSTON.

Coll D'Peyster Reported from the Committee to whom was Committed the Bill Entituled, An Act for Annexing that part of the Mannor of Livingston which now Lyes in Dutches County unto the Connty of Albany, that they have gone through the same without any Amendment

Ordered, that the said Bill be read the third time.

Then the said bill was read the third time and past without any Amendment.

Ordered, that Coll D'peyster do Acquaint the Assembly that this Board Do Agree to the Said Bill without Any Amendment.

Coll D'Peyster Reported from the Committee to whom was Committed the Bill Entituled, An Act Reviving An Act Intituled, An Act for Encouraging the Indian Trade at Albany that they have Gone through the Same without Any Amendment

Ordered, that the Said Bill be Read the third time

Then the Said Bill was Read the third time and past without any Amendment

Ordered, that Coll D'Peyster Acquaint the Assembly that this Board Do agree to the Said Bill without any amendment

Cap^t Walter Reported from the Committee to whom was Committed the Bill Entituled, An Act for Exempting the pink *Charlott* from paying the Duty of Tonnage, that they have Gone through the Same without any Amendment

Ordered, that the Said Bill be Read the third time.

Then the Said Bill was Read the third time and past without any Amendment.

Ordered, that Cap^t Walter Do Acquaint the Assembly that this Board Do Agree to the Said Bill without Any Amendment

Cap^t Walter Reported from the Committee to whom was Committed the Bill Entituled, An Act for Building a County House and prison in Dutches County, that they have Gone through the Same without any Amendment

Ordered, that the Said Bill be Read the third time

Then the Said Bill was Read the third time and past without any Amendment

Ordered, that Cap^t Walter Do Acquaint the Assembly that this Board Do Agree to the Said Bill without Any Amendment

The Bill Entituled, An Act to Encourage the Destroying of ffoxes and Wild Catts in Kings County, Queens County and County of Suffolk sent from the Assembly to this Board for their Concurrence, was Read the first time and

Ordered to be Read a Second time

A Message from the Assembly by Coll Willet that they Agree to the Amendment made by this Board to the Bill Entituled, An Act Declaring a Sloop belonging to M^r Jacob Moene free from Tonnage

A Message from the Assembly by Alderman Kip that they Agree to the Amendment made by this Board to the Bill Entituled, An Act Declaring the Sloop Call'd *the Good Intent* Built at New port in Rhode Island belonging to Mess^{rs} Benjamin Mannevil, Thomas Bayeux, Andrew fresneau and David Minviel free from the Duty of Tonnage

At a Council held at ffort George in New York, the 27th Day of May, 1717.

PRESENT —

His Excell ROB^t HUNTER, Esq^r, &c.,

Coll D'PEYSTER,
Cap^t WALTER,
Coll BECKMAN,
M^r VAN DAM,

M^r BARBERIE,
M^r PHILLIPSE,
Doctor JOHNSTON.

The Bill Entituled, An Act to Clear a Sloop upon the Stocks in the province of New Jersey belonging to Coll John Johnston from the Duty of Tonnage, passed by the Assembly and Sent up to this Board for their Concurrence was Read the first time and

Ordered to be Read a Second time

The Bill Intituled, An Act to Clear a Sloop upon the Stocks in the province of New Jersey belonging to Coll John Johnston from the Duty of Tonnage, passed by the Assembly and Sent up to this Board for their Concurrence was Read the Second time and Committed to the Gentlemen of this Board or any five of them

At a Council held at ffort George in New York, the 27th Day of May, 1717.

At Noone

PRESENT —

His Excell^y ROB^t HUNTER, Esq^r, &c.,

Coll D'PEYSTER,
Cap^t WALTER,
Coll BECKMAN,
M^r VAN DAM,

M^r BARBERIE,
M^r PHILLIPSE,
Doctor JOHNSTON.

Coll Beckman Reported from the Committee to whom was Committed the Bill Entituled, An Act to clear a Sloop upon the Stocks in the province of New Jersey belonging to Coll John Johnston from the Duty of Tonnage, that they have Gone through the said Bill without any Amendment.

